

Studies Compilation

2010 Legislative Interim Study Information

Issued by the Legislative Services Agency, Legal Services Division,
[draft as of June 4, 2010]

This compilation provides a description of studies and studies-related information for consideration by the Studies Committee of the Legislative Council. Except for the list of executive branch studies, items are listed in bill or resolution order. Attached to the compilation is the original legislation or document that caused the item to be included. Each attachment item is marked to correspond with the listing number; for example, item 1 under part A is marked as A-1.

A. Study Which Has Requested to be Continued From the 2009 Legislative Interim

1. Criminal Code Reorganization Study Committee

Charge: Meet during the 2007, 2008, and 2009 Legislative Interims to consider proposals for criminal code revisions, reorganization, and updates.

Members: 3 Senate/3 House/8 voting public members appointed by leaders to represent each of the following: professor from University of Iowa College of Law, Professor from Drake University Law School, district court judge, Iowa Attorney General, state public defender, Iowa County Attorneys Association, Iowa Board of Parole, and Department of Corrections.

Meeting Days: 2 meetings held in 2007; 3 meetings held in 2008; and 3 meetings held in 2009 Interim and 2010 Legislative Session.

B. Mandated Legislative Studies in Code or Session Law Adopted by the General Assembly

1. The **Legislative Health Care Coverage Commission** is created under the authority of the Legislative Council, with administrative support to be provided by the Legislative Services Agency (LSA). Four legislators and certain agency directors or their designees are ex officio, nonvoting members. Eleven public members representing the public and various interests are to be appointed as voting members by the Legislative Council. The Legislative Council is required to appoint a chairperson and vice chairperson from the voting membership. An appropriation of \$200,000 for costs associated with the Commission is made to LSA in 2009 Iowa Acts, HF 820, as amended by SF 478, §160. The Commission is required to complete its deliberations by July 1, 2011, and provide progress reports on January 1, 2010, and 2011. (2009 Iowa Acts, SF 389, §1 – see also consultant qualification criteria proposed in HCR 9.)

2. The **Legislative Tax Expenditure Committee** is created as a permanent body under the Legislative Council. The Committee is to consist of five legislators from each chamber appointed by the Legislative Council. Duties

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include approving annual estimates of the cost of tax expenditures by December 15 each year, and performing a scheduled review of specified tax credits so that each credit is reviewed at least every five years. The first scheduled review is in 2011. (2010 Iowa Acts, SF 2380, Division II)

3. The **State Government Efficiency Review Committee** is created as a permanent legislative committee with five Senate and five House members appointed at the beginning of a new General Assembly that meets, as directed by the Legislative Council, every two years to review state government organization and efficiency. The first report is due January 2013. (2010 Iowa Acts, SF 2088, §420)

C. Legislative Study Requests in Enacted Legislation

1. The Legislative Council is requested to establish an interim study to evaluate **due process requirements relating to child abuse and dependent adult abuse** under Code Chapters 235A and 235B. (2010 Iowa Acts, SF 2333, §7)

2. The Legislative Council is requested to establish an interim study to study the inclusion under the **open meetings and open records laws of nonprofit organizations** that are supported in whole or in part with public funds or revenues derived from public fees, that were established by, or are operated by, governing boards whose memberships were or are substantially comprised of state or local elected officials or appointees of governmental bodies. (2010 Iowa Acts, SF 2376, §42)

3. The Legislative Council is requested to establish an interim study to evaluate the effectiveness of Iowa's **enterprise zone program** and make recommendations regarding the future of the program. (2010 Iowa Acts, SF 2380, §61)

4. The Legislative Council is requested to establish an interim study committee to evaluate the effectiveness of Iowa's **industrial new jobs training program** and make recommendations regarding the future of the program. (2010 Iowa Acts, SF 2380, §62)

5. The Legislative Council is requested to establish a **small business regulatory assistance** interim study to examine and make recommendations regarding methods of assisting small businesses that do not require direct financial incentives and regarding potential changes of law that would improve business licensing, regulatory compliance, and tax collection procedures. (2010 Iowa Acts, SF 2389, §40)

6. The Legislative Council is requested to establish an interim study to study the use of **alternative project delivery for public construction projects at institutions under the control of the State Board of Regents**. This request proposes six legislators and ten other members. (2010 Iowa Acts, SF 2389, §45)

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D. Legislative Study and Permanent Committee Requests in Adopted or Filed Resolutions

1. Request for the Legislative Council to act in support of the Iowa Board of Pharmacy contracting to convene a **task force on medical marijuana**. (SR 115)

E. Legislative Study Requests Addressed in a Press Release or Submitted in a Letter or Memo

1. Address the **conversion of assisted living facilities** to a home care approach and other matters related to the organization and delivery of long-term care services in various retirement settings and facilities in the State of Iowa. (Letter from Representative Charles Isenhardt)
2. Review Iowa laws, processes, and procedures that relate to the development and control of the **state budget** and consider options for improvements. (Letters from members of the House Democratic Caucus and House Minority Leader Kraig Paulsen)
3. Study Iowa **levee and drainage district law**. (Memo from Representative Delores Mertz and letter from Senator Jack Kibbie)

F. Executive Branch Studies Involving Legislative Appointments or a Special Directive

Administration and Regulation-related Items

1. The Department of Administrative Services is required to conduct a **job evaluation study** to determine whether the job classification grade levels of state employees are properly determined. (2009 Iowa Acts, SF 478, §21, as amended by 2010 Iowa Acts, SF 2088, §67(2)(g)(2))
2. The Department of Administrative Services is required to consult with the Department of Management to implement a policy to increase the executive branch ratio of employees per supervisor, also known as **span of control**. The policy is subject to various exemptions, restrictions, and requirements and reports to the Governor and General Assembly are due by April 1, 2010, 2011, and 2012. (Code §8A.402(2), as enacted by 2009 Iowa Acts, SF 478, §27, and amended by 2010 Iowa Acts, SF 2088, §67)
3. The Department of Administrative Services in collaboration with the Department of Management, is required to report to LSA and the Fiscal Committee concerning operation of the **state employee retirement incentive program**. The initial report is due October 1, 2010, with annual updates on October 1 for four years beginning October 1, 2011. (2010 Iowa Acts, SF 2062, §1(6))
4. The Department of Administrative Services is required to consult with and explore opportunities with the legislative and judicial branches relating to the

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department providing **information technology services** to the other two branches of state government. (2010 Iowa Acts, SF 2088, §21)

5. The chief information officer is required to study **convenience and other handling fees charged by state agencies** for payments made by credit or debit card or other means of electronic payment. The study results are to be reported to the General Assembly by January 15, 2011. (2010 Iowa Acts, SF 2088, §22)

6. The Department of Administrative Services is required to inventory **surplus and unused state property** and to audit state office leases. The department report on the study is due on or before January 11, 2011. (2010 Iowa Acts, SF 2088, §80)

7. The Office of the Attorney General is required to annually report to the chairpersons and ranking members of the standing committees on judiciary and associated legislative staff regarding legal activity, funding recovered, and costs associated with the enforcement of the **False Claims Act** law. The report is due 30 days from the enactment date of the law. The law relates to false or fraudulent claims involving state funding or property. (2010 Iowa Acts, SF 2088, §345)

8. DAS is required to reduce the **state vehicle fleet**, examine policies concerning the assignment of state vehicle fleets to employees, and consider guidelines for when to buy and sell vehicles, and submit a report to the General Assembly by January 1, 2011, concerning the efforts, including data on the extent of savings realized. (2010 Iowa Acts, SF 2367, §1)

9. State agencies receiving funding from the **Revenue Bonds Capitals II Fund** are required to report to LSA and the Department of Management annually before January 15 concerning projects completed or in progress. (Code §12.88A, as enacted in 2010 Iowa Acts, SF 2389, §9)

10. The Department of Administrative Services is required to issue a Request for Proposals (RFP) concerning the availability and cost of **office space for state agencies** in downtown Des Moines and to perform a cost-benefit analysis of utilizing available office space in downtown Des Moines and other areas in close proximity in lieu of renovating the Wallace Building or relocating state agencies to the former Mercy Capitol hospital building now owned by the state. The department is required to report to the General Assembly concerning the RFP and the cost-benefit analysis by January 14, 2011. (2010 Iowa Acts, SF 2389, §§48, 49)

11. The Department of Management is required to report to the General Assembly and LSA regarding the anticipated **reductions in appropriations** made pursuant to the nearly \$84 million reduction in operational appropriations made for FY 2010-2011 pursuant to the standing appropriations bill. The report is to be submitted on or before December 1, 2010. (2010 Iowa Acts, HF 2531, §27)

12. The Department of Administrative Services is required to contract for **medication therapy management services for state employees** other than those employed by the State Board of Regents. The contractor is required to

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provide annual reports to the General Assembly concerning the services provided. (2010 Iowa Acts, HF 2531, §166)

Agriculture and Natural Resources Items

13. The Department of Natural Resources is required to contract for an **asset manager at the Honey Creek Resort State Park**. The asset manager is required to report to various entities, including LSA. (2010 Iowa Acts, SF 2389, §1(7)(c))

14. **The **Iowa Smart Planning Task Force** is established with 29 voting members and 4 legislators to consider and make recommendations concerning land use planning by the state and local governments. Staffing is to be provided by the Department of Management. (2010 Iowa Acts, SF 2389, §25)

15. **The **Watershed Planning Advisory Council** is established to review research and make recommendations regarding methods to protect water resources, assure an adequate supply of water, mitigate and prevent floods, and coordinate management of water resources. The Council has 17 voting members and 4 nonvoting legislators, and is required to report annually by December 1 to various entities, including the General Assembly. (2010 Iowa Acts, HF 2459, §1)

16. The Department of Natural Resources is required to conduct a study of **public land that may be used for public hunting**, and to authorize public hunting on public land where it determines such activity to be beneficial, and to report to the Governor and General Assembly by January 10, 2011. (2010 Iowa Acts, HF 2525, §12)

Disaster Recovery-related Items

17. **The **Business Disaster Case Management Task Force** is established with 11 voting members and 4 legislators. The task force is staffed by the Rebuild Iowa Office and is required to report to the Governor and General Assembly by November 15, 2010. (2010 Iowa Acts, HF 2422, §2)

Economic Development and Commerce-related Items

Early Childhood-related Items

18. **The **Early Childhood Iowa State Board** is created in place of the Iowa Empowerment Board and retains the four legislators as members. (2010 Iowa Acts, SF 2088, §§280, 310)

Education-related Items

19. The board of directors for each **community college** is required to submit a report to the Department of Education providing the details on any **efficiency initiatives** implemented during the previous fiscal year and the methods by which the Governor's uniform budget reduction was implemented. The department is required to compile and summarize the reports in a report to be submitted to the State Board of Education and the General Assembly by December 15, 2010. (2010 Iowa Acts, SF 2376, §9)

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20. The **State Board of Regents** is required to report to the General Assembly by December 15, 2010, providing the details on any **efficiency initiatives** implemented during the previous fiscal year and the methods by which the Governor's uniform budget reduction was implemented. (2010 Iowa Acts, SF 2376, §12)
21. The State Board of Regents is required to develop and maintain a **span of control** policy for the ratio of employees to supervisors and to report to the Governor and General Assembly annually by April 1, 2010. (2010 Iowa Acts, SF 2088, §68)
22. The **State Board of Regents** is required to complete an **inventory of the Regents' real estate property** and report to the Governor and General Assembly by January 1, 2011. (2010 Iowa Acts, SF 2088, §81)
- 22A. The Department of Education is required to review and evaluate the implementation of the recommendations submitted on January 22, 2010, by the **Community College Accreditation** Advisory Committee in its final report to the General Assembly. The department is to submit its findings and recommendations to the General Assembly on or before December 31, 2010. (2010 Iowa Acts, SF 2088, §311)
- 22B. The Department of Education shall convene a working group, whose members shall include, at a minimum, the members of the Community College Accreditation Advisory Committee and the Community College Faculty Advisory Committee. The working group shall study the **maximum academic credit hour per school term workload appropriate for an instructor** beyond the standard workload. The working group shall submit its findings and recommendations to the State Board of Education and the General Assembly on or before December 31, 2010. (2010 Iowa Acts, SF 2088, §312)
23. The library service areas and the State Library are required to study ways to streamline state-funded **library operations and services** and report to the General Assembly by November 1, 2010. (2010 Iowa Acts, SF 2376, §7)
24. If additional federal American Recovery and Reinvestment Act of 2009 funding designated for **educational stabilization** is received for FY 2010-2011, the Department of Management is required to report to the chairpersons and ranking members of the Committees on Appropriations of the Senate and House of Representatives and LSA concerning the funding and its distribution. (2010 Iowa Acts, HF 2531, §9)
25. The State Board of Regents is required to examine possible changes to and make recommendations regarding the current structure for providing residential services on the campus of the **Iowa Braille and Sight Saving School**, and to make recommendations regarding appropriate facilities and facility utilization. The examination is required to utilize a committee consisting of various stakeholders and to submit a report to the Legislative Council by August 31, 2010. (2010 Iowa Acts, HF 2531, §97)

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26. The Department of Education is required to compile information relating to the **statewide school infrastructure funding** received by school districts from the 1 percent sales tax revenue under Code Chapters 423E and 423F and submit the information to the General Assembly annually on February 1. (2010 Iowa Acts, HF 2531, §118)

Environment, Energy, and Utility-related Items

27. The Office of Energy Independence is required to collect data on the **grants and loans funded by the Iowa Power Fund**, submit specified information to the Governor and General Assembly on a quarterly basis, and maintain an Internet site that allows citizens to track data. (2010 Iowa Acts, HF 2531, §106 – vetoed by the Governor)

General Assembly-related Items

28. On or after July 1, 2010, prior to the General Assembly establishing in Code a **new appointive board, commission, committee, or council**, various determinations must be made by the General Assembly, including whether there is an existing body, an estimated cost for the new body, and whether a repeal date is needed. (2010 Iowa Acts, SF 2088, §421)

Health-related Items

29. **Previously independent bodies, the **Child Support Advisory Committee and the Child Welfare Advisory Committee**, are repealed and changed to committees established by the Council on Human Services. Both continue to have four legislators as nonvoting members appointed by legislative leaders. (2010 Iowa Acts, SF 2088, §391)

30. The **Iowa Insurance Information Exchange** is established in the Insurance Division of the Department of Commerce under the authority of the Commissioner of Insurance. The Commissioner is required to report on the status of the exchange at all meetings of the Legislative Health Care Commission. (2010 Iowa Acts, SF 2356, §7(3))

31. The funding provisions relating to the Department of Public Health and continuing implementation of the recommendations of the **Direct Care Worker Task Force** require the department to report to the chairpersons, ranking members, and staff of the Joint Appropriations Subcommittee on Health and Human Services on or before January 15, 2011. (2010 Iowa Acts, HF 2526, §2(4)(h))

32. The dates for a previously enacted **pilot project for patient decision making** administered by the Department of Public Health are extended, and the date for the project's advisory council to report to the Governor and General Assembly is changed from January 2, 2010, to January 2, 2012. (2010 Iowa Acts, HF 2526, §58)

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Human Services-related Items

33. The Child Welfare Advisory Committee under the Department of Human Services (DHS) is required to develop recommendations to identify the **appropriate capacity for child welfare emergency services**. The recommendations are required to be submitted to the chairpersons, ranking members, and staff of the Joint Appropriations Subcommittee on Health and Human Services on or before December 15, 2010. (2010 Iowa Acts, HF 2526, §19(7)(b))

34. The Governor's Developmental Disabilities Council is requested to facilitate a workgroup to review the **status of residential care facility services** in the state. The workgroup report is required to be submitted to the governor and the chairpersons, ranking members, and staff of the Joint Appropriations Subcommittee on Health and Human Services on or before December 15, 2010. (2010 Iowa Acts, HF 2526, §27(7))

35. The Department of Human Services (DHS) is required to establish a transition committee consisting of department staff of various interests to develop a plan for **transitioning administration of the child welfare remedial services under Medicaid** from a fee-for-service approach to the Iowa Plan, behavioral health managed care plan. The plan is to be developed by December 31, 2010, and implemented during the next six months if the plan proceeds. (2010 Iowa Acts, HF 2526, §31)

36. The Governor is required to submit to the General Assembly by January 11, 2011, a recommendation for **state allowed growth for adult mental health, mental retardation, developmental disabilities services expenditures by counties** for FY 2011-2012. (2010 Iowa Acts, HF 2531, §1)

37. The Department of Human Services (DHS) is required to consult with the General Assembly's Medical Assistance Projections and Assessment Council in developing a **phase-in plan for the regional provider network developed under the IowaCare Program**. (2010 Iowa Acts, HF 2531, §201(1)(b))

Justice System-related Items

38. ****The legislative members of the Criminal and Juvenile Justice Planning Council** are changed from four legislators appointed by caucus leaders to instead be the chairperson and ranking member of the Senate Committee on Judiciary and the chairperson and ranking member, serving in alternating four year intervals, of the House committees on judiciary and public safety. (2010 Iowa Acts, HF 2531, §152)

39. The **Public Safety Advisory Board** is created, consisting of members of the Criminal and Juvenile Justice Planning Council, to provide the General Assembly with analysis of current and proposed criminal code provisions. (2010 Iowa Acts, HF 2531, §155)

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Labor and Employment-related Items

Local Government-related Items

Taxation-related Items

40. The Department of Revenue is required to initiate and coordinate the establishment of an **Industrial Processing Exemption Study Committee**. The committee is required to report annually to the General Assembly on January 1, 2006, through January 1, 2013. (2005 Iowa Acts, Ch. 77 (HF 313, §§1, 2))

Transportation and Infrastructure-related Items

Veterans-related Items

G. Mandatory Future Legislative-related Studies

- 1.** The Government Oversight Committees are required to review the priorities of **distribution of E911 funds** at least every two years. (Code §34A.7A(3))
- 2.** Effective January 1, 2012, a **Property Assessment Appeal Board Review Committee** is established to review the activities of the Property Assessment Appeal Board created in 2005 Iowa Acts, (HF 868). The membership of the committee includes six members of the General Assembly. (2005 Iowa Acts, Ch. 150 (HF 868), §121; Code §421.1A)
- 3.** The Auditor of State, in consultation with the Department of Transportation and the Iowa County Treasurers Association, is required to study the fiscal impact of the **county driver's license issuance program** every four years. The initial report was due January 1, 2006. (Code §321M.9(4))

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**LEGISLATIVE
SERVICES AGENCY**

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A-1
Criminal Code Reorganization
Study Committee Reauthorization

Joseph E. McEniry
Sr. Legal Counsel
State Capitol
Des Moines, IA 50319

Phone: 515.281.3189
E-mail: joseph.mceniry@legis.state.ia.us

TO: Chairperson Murphy, Vice Chairperson Gronstal, and Members of the Studies Committee of the Legislative Council

FROM: Joe McEniry, Senior Legal Counsel *JEM*

RE: Continuation of Criminal Code Reorganization Study Committee

At the final meeting of the Criminal Code Reorganization Study Committee on January 14, 2010, the Study Committee voted to request Legislative Council authorization to continue deliberations in the 2010 Interim.

The Study Committee, co-chaired by Senator Keith Kreiman and Representative Kurt Swaim, provided a significant set of recommendations for the General Assembly, many of which were enacted into law during the 2010 Legislative Session. However, the Study Committee identified several proposals to be in need of further review by interest groups and the Study Committee.

The Study Committee membership, consisting of six legislators and nine public members representing all facets of the justice system, has developed an effective working relationship while meeting during the 2007, 2008, and 2009 Interims.

Senate File 389 - Enrolled

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1 1 SENATE FILE 389
1 2
1 3 AN ACT
1 4 RELATING TO HEALTH CARE, HEALTH CARE PROVIDERS, AND HEALTH
1 5 CARE COVERAGE, PROVIDING RETROACTIVE AND OTHER EFFECTIVE
1 6 DATES AND PROVIDING REPEALS.
1 7
1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 9
1 10 DIVISION I
1 11 LEGISLATIVE HEALTH CARE COVERAGE COMMISSION
1 12 Section 1. LEGISLATIVE HEALTH CARE COVERAGE COMMISSION.
1 13 1. A legislative health care coverage commission is
1 14 created under the authority of the legislative council.
1 15 a. The commission shall include the following persons who
1 16 are ex officio, nonvoting members of the commission:
1 17 (1) The commissioner of insurance, or a designee.
1 18 (2) The director of human services, or a designee.
1 19 (3) The director of public health, or a designee.
1 20 (4) Four members of the general assembly, one appointed by
1 21 the speaker of the house of representatives, one appointed by
1 22 the minority leader of the house of representatives, one
1 23 appointed by the majority leader of the senate, and one
1 24 appointed by the minority leader of the senate.
1 25 b. The commission shall include the following persons who
1 26 are voting members of the commission and who are appointed by
1 27 the legislative council:
1 28 (1) A person who represents large employers.
1 29 (2) A person who represents Iowa insurers.
1 30 (3) A person who represents health underwriters.
1 31 (4) A health care provider.
1 32 (5) A person who represents labor.
1 33 (6) A consumer who represents the pre-Medicare population.
1 34 (7) A consumer who represents middle-income adults and
1 35 families.
2 1 (8) A consumer who represents low-income adults and
2 2 families.
2 3 (9) A person who represents small businesses.
2 4 (10) A person who represents nonprofit entities.
2 5 (11) A person who represents independent insurance agents.
2 6 2. The legislative council may employ or contract with a
2 7 person or persons to assist the commission in carrying out its
2 8 duties. The person or persons employed or contracted with to
2 9 assist the commission shall gather and coordinate information
2 10 for the use of the commission in its deliberations concerning
2 11 health reform initiatives and activities related to the
2 12 medical home system advisory council, the electronic health
2 13 information advisory council and executive committee, the
2 14 prevention and chronic care management advisory council, the
2 15 direct care worker task force, the health and long-term care
2 16 access technical advisory committee, the clinicians advisory
2 17 panel, the long-term living initiatives of the department of
2 18 elder affairs, medical assistance and hawk-i program

2 19 expansions and initiatives, prevention and wellness
 2 20 initiatives including but not limited to those administered
 2 21 through the Iowa healthy communities initiative pursuant to
 2 22 section 135.27 and through the governor's council on physical
 2 23 fitness and nutrition, health care transparency activities,
 2 24 and other health care reform-related advisory bodies and
 2 25 activities that provide direction and promote collaborative
 2 26 efforts among health care providers involved in the
 2 27 initiatives and activities. The legislative services agency
 2 28 shall provide administrative support to the commission.
 2 29 3. The legislative council shall appoint one voting member
 2 30 as chairperson and one as vice chairperson. Legislative
 2 31 members of the commission are eligible for per diem and
 2 32 reimbursement of actual expenses as provided in section 2.10.
 2 33 The consumers appointed to the commission are entitled to
 2 34 receive a per diem as specified in section 7E.6 for each day
 2 35 spent in performance of duties as a member, and shall be
 3 1 reimbursed for all actual and necessary expenses incurred in
 3 2 the performance of duties as a member of the commission.
 3 3 4. The commission shall develop an Iowa health care reform
 3 4 strategic plan which includes but is not limited to a review
 3 5 and analysis of, and recommendations and prioritization of
 3 6 recommendations for, the following:
 3 7 a. Options for the coordination of a children's health
 3 8 care network in the state that provides health care coverage
 3 9 to all children without such coverage; utilizes, modifies, and
 3 10 enhances existing public programs; maximizes the ability of
 3 11 the state to obtain federal funding and reimbursement for such
 3 12 programs; and provides access to private, affordable health
 3 13 care coverage for children who are not otherwise eligible for
 3 14 health care coverage through public programs.
 3 15 b. Options for children, adults, and families to
 3 16 transition seamlessly among public and private health care
 3 17 coverage options.
 3 18 c. Options for subsidized and unsubsidized health care
 3 19 coverage programs which offer public and private, adequate and
 3 20 affordable health care coverage including but not limited to
 3 21 options to purchase coverage with varying levels of benefits
 3 22 including basic or catastrophic benefits, an intermediate
 3 23 level of benefits, and comprehensive benefits coverage. The
 3 24 commission shall also consider options and make
 3 25 recommendations for providing an array of benefits that may
 3 26 include physical, mental, and dental health care coverage.
 3 27 Affordable health care coverage options for purchase by adults
 3 28 and families shall be developed with the goal of including
 3 29 options for which the contribution requirement for all
 3 30 cost-sharing expenses is no more than six and one-half percent
 3 31 of family income.
 3 32 d. Options to offer a program to provide coverage under a
 3 33 state health or medical group insurance plan to nonstate
 3 34 public employees, including employees of counties, cities,
 3 35 schools, area education agencies, and community colleges, and
 4 1 employees of nonprofit employers and small employers and to
 4 2 pool such employees with the state plan.
 4 3 e. The ramifications of requiring each employer in the
 4 4 state with more than ten employees to adopt and maintain a
 4 5 cafeteria plan that satisfies section 125 of the Internal
 4 6 Revenue Code of 1986.
 4 7 f. Options for development of a long-term strategy to
 4 8 provide access to affordable health care coverage to the

4 9 uninsured in Iowa, particularly adults, and development of a
4 10 structure to implement that strategy including consideration
4 11 of whether to utilize an existing government agency or a newly
4 12 created entity.

4 13 5. As part of developing the strategic plan, the
4 14 commission shall collaborate with health care coverage experts
4 15 to do including but not limited to the following:

4 16 a. Design solutions to issues relating to guaranteed
4 17 issuance of insurance, preexisting condition exclusions,
4 18 portability, and allowable pooling and rating classifications.

4 19 b. Formulate principles that ensure fair and appropriate
4 20 practices relating to issues involving individual health care
4 21 policies such as recision and preexisting condition clauses,
4 22 and that provide for a binding third-party review process to
4 23 resolve disputes related to such issues.

4 24 c. Design affordable, portable health care coverage
4 25 options for low-income children, adults, and families.

4 26 d. Design a proposed premium schedule for health care
4 27 coverage options which includes the development of rating
4 28 factors that are consistent with market conditions.

4 29 e. Design protocols to limit the transfer from
4 30 employer-sponsored or other private health care coverage to
4 31 state-developed health care coverage plans.

4 32 6. The commission may request from any state agency or
4 33 official information and assistance as needed to perform its
4 34 duties pursuant to this section. A state agency or official
4 35 shall furnish the information or assistance requested within
5 1 the authority and resources of the state agency or official.
5 2 This subsection does not allow the examination or copying of
5 3 any public record required by law to be kept confidential.

5 4 7. The commission shall provide progress reports to the
5 5 legislative council every quarter summarizing the commission's
5 6 activities.

5 7 8. The commission shall provide a progress report to the
5 8 general assembly by January 1, 2010, summarizing the
5 9 commission's activities thus far, that includes but is not
5 10 limited to recommendations and prioritization of
5 11 recommendations for subsidized and unsubsidized health care
5 12 coverage programs which offer public and private and adequate
5 13 and affordable health care coverage for adults. The
5 14 commission shall collaborate with health care coverage experts
5 15 to ensure that health care coverage for adults that is
5 16 consistent with the commission's recommendations and
5 17 priorities is available for purchase by the public by July 1,
5 18 2010.

5 19 9. The commission shall provide a report to the general
5 20 assembly by January 1, 2011, summarizing the commission's
5 21 activities since the previous annual report provided on
5 22 January 1, 2010, including but not limited to information
5 23 about health care coverage for adults, including enrollment
5 24 information, that was available for purchase by the public by
5 25 July 1, 2010, consistent with the commission's recommendations
5 26 and priorities, and including further recommendations and
5 27 prioritization of those recommendations.

5 28 10. The commission shall conclude its deliberations by
5 29 July 1, 2011, and shall submit a final report to the general
5 30 assembly by October 1, 2011, summarizing the commission's
5 31 activities particularly pertaining to the availability of
5 32 health care coverage programs for adults, analyzing issues
5 33 studied, and setting forth options, recommendations, and

5 34 priorities for an Iowa health care reform strategic plan that
5 35 will ensure that all Iowans have access to health care
6 1 coverage which meets minimum standards of quality and
6 2 affordability. The commission may include any other
6 3 information the commission deems relevant and necessary.
6 4 11. This section is repealed on December 31, 2011.

DIVISION II

LEGISLATIVE TAX EXPENDITURE COMMITTEE

Sec. 2. Section 2.45, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 5. a. The legislative tax expenditure committee which shall be composed of ten members of the general assembly, consisting of five members from each house, to be appointed by the legislative council. In appointing the five members of each house to the committee, the council shall appoint three members from the majority party and two members from the minority party.

b. The legislative tax expenditure committee shall have the powers and duties described in section 2.48.

Sec. 3. NEW SECTION. 2.48 Legislative tax expenditure committee == review of tax incentive programs.

1. Duties of committee. The legislative tax expenditure committee shall do all of the following:

a. Evaluate any tax expenditure available under Iowa law and assess its equity, simplicity, competitiveness, public purpose, adequacy, and extent of conformance with the original purposes of the legislation that enacted the tax expenditure, as those issues pertain to taxation in Iowa. For purposes of this section, "tax expenditure" means an exclusion from the operation or collection of a tax imposed in this state. Tax expenditures include tax credits, exemptions, deductions, and rebates. Tax expenditures also include sales tax refunds issued pursuant to section 423.3 or section 423.4.

b. Establish and maintain a system for making available to the public information about the amount and effectiveness of tax expenditures, and the extent to which tax expenditures comply with the original intent of the legislation that enacted the tax expenditure.

2. Review of tax expenditures == budget estimates. The legislative tax expenditure committee shall do all of the following:

a. Engage in the regular review of the state's tax expenditures.

(1) In reviewing tax expenditures, the committee may review any tax expenditure at any time, but shall at a minimum perform the reviews described in subsection 3.

(2) For each tax expenditure reviewed, the committee shall submit a report to the legislative council containing the results of the review. The report shall contain a statement of the policy goals of the tax expenditure and a return on investment calculation for the tax expenditure. For purposes of this subparagraph, "return on investment calculation" means analyzing the cost to the state of providing the tax expenditure, analyzing the benefits realized by the state from providing the tax expenditure, and reaching a conclusion as to whether the benefits of the tax expenditure are worth the cost to the state of providing the tax expenditure.

(3) The report described in subparagraph (2) may include recommendations for better aligning tax expenditures with the original intent of the legislation that enacted the tax expenditure.

b. (1) Estimate for each fiscal year, in conjunction with the legislative services agency and the department of revenue, the cost of each individual tax expenditure and the total cost of all tax expenditures, and by December 15 provide those estimates to the governor for use in the preparation of the

budget message under section 8.22 and to the general assembly to be used in the budget process.

(2) The estimates provided pursuant to subparagraph (1) may include the committee's recommendations for the imposition of a limitation on a specified tax expenditure, a limitation on the total amount of tax expenditures, or any other recommendation for a specific tax expenditure or the program under which the tax expenditure is provided.

3. Schedule of review of all tax expenditures. The committee shall review the following tax expenditures and incentives according to the following schedule:

a. In 2011:

(1) The high quality jobs program under chapter 15, subchapter II, part 13.

(2) The tax credits for increasing research activities available under sections 15.335, 15A.9, 422.10, and 422.33.

(3) The franchise tax credits available under sections 422.11 and 422.33.

(4) The earned income tax credit available under section 422.12B.

b. In 2012:

(1) The Iowa fund of funds program in chapter 15E, division VII.

(2) Property tax revenue divisions for urban renewal areas under section 403.19.

(3) The targeted jobs withholding credits available under section 403.19A.

(4) Funding of urban renewal projects with increased local sales and services tax revenues under section 423B.10.

(5) School tuition organization tax credits under sections 422.11S and 422.33.

(6) Tuition and textbook tax credits under section 422.12.

c. In 2013:

(1) The child and dependent care and early childhood development tax credits under section 422.12C.

(2) The endow Iowa tax credits authorized under section 15E.305.

(3) The redevelopment tax credits available under section 15.293A.

(4) The disaster recovery housing tax credits available under sections 16.211 and 16.212.

(5) The tax credits available for film, television, and video project promotion under section 15.393.

d. In 2014:

(1) Tax credits for investments in qualifying businesses and community-based seed capital funds under chapter 15E, division V.

(2) Historic preservation and cultural and entertainment district tax credits under chapter 404A.

(3) Wind energy production tax credits under chapter 476B.

(4) Renewable energy tax credits under chapter 476C.

(5) The ethanol promotion tax credits available under section 422.11N.

(6) The E-85 gasoline promotion tax credits available under section 422.11O.

(7) The biodiesel blended fuel tax credits available under section 422.11P.

e. In 2015:

(1) The agricultural assets transfer tax credit under section 175.37.

- (2) The claim of right tax credit under section 422.5.
 - (3) The reduction in allocating income to Iowa by S corporation shareholders under section 422.8.
 - (4) The minimum tax credit under sections 422.11B, 422.33, and 422.60.
 - (5) The assistive device corporate tax credit under section 422.33.
 - (6) The charitable conservation contribution tax credit under sections 422.11W and 422.33.
 - (7) The motor vehicle fuel tax credit under section 422.110.
 - (8) The new jobs tax credits available under section 422.11A.
 - (9) The financial assistance available under the enterprise zones program in chapter 15E, division XVIII.
4. A tax expenditure or incentive reviewed pursuant to subsection 3 shall be reviewed again not more than five years after the tax expenditure or incentive was most recently reviewed.

DIVISION LII

STATE GOVERNMENT EFFICIENCY REVIEW COMMITTEE

Sec. 420. NEW SECTION. 2.69 State government efficiency review committee established.

1. A state government efficiency review committee is established which shall meet at least every two years to review the operations of state government. The committee shall meet as directed by the legislative council.

2. a. The committee shall consist of three members of the senate appointed by the majority leader of the senate, two members of the senate appointed by the minority leader of the senate, three members of the house of representatives appointed by the speaker of the house of representatives, and two members of the house of representatives appointed by the minority leader of the house of representatives.

b. Members shall be appointed prior to January 31 of the first regular session of each general assembly and shall serve for terms ending upon the convening of the following general assembly or when their successors are appointed, whichever is later. A vacancy shall be filled in the same manner as the original appointment and shall be for the remainder of the unexpired term of the vacancy.

c. The committee shall elect a chairperson and vice chairperson.

3. The members of the committee shall be reimbursed for actual and necessary expenses incurred in the performance of their duties and shall be paid a per diem as specified in section 7E.6 for each day in which they engaged in the performance of their duties. However, per diem compensation and expenses shall not be paid when the general assembly is actually in session at the seat of government. Expenses and per diem shall be paid from funds appropriated pursuant to section 2.12.

4. The committee shall do the following:

a. Review and consider options for reorganizing state government to improve efficiency, modernize processes, eliminate duplication and outdated processes, reduce costs, and increase accountability. The review shall address the expanded use of the internet and other technology, and the incorporation of productivity improvement measures.

b. Review recommendations received through a process to receive state government efficiency suggestions offered by the public and public employees.

c. Issue a report, including its findings and recommendations, to the general assembly.

5. The first report required by this section shall be submitted to the general assembly no later than January 1, 2013, with subsequent reports developed and submitted by January 1 at least every second year thereafter.

6. Administrative assistance shall be provided by the legislative services agency.

Sec. 7. STUDY. The legislative council is requested to establish an interim study committee to evaluate due process requirements relating to child abuse and dependent adult abuse under Code chapters 235A and 235B. The committee shall issue a report of its recommendations to the general assembly by January 15, 2011.

Sec. 42. NONPROFIT ORGANIZATIONS == OPEN MEETINGS AND OPEN RECORDS INTERIM STUDY COMMITTEE. The legislative council is requested to establish an interim study committee to study the inclusion under the open meetings and open records laws of nonprofit organizations that are supported in whole or in part with public funds or revenues derived from public fees, that were established by, or are operated by, governing boards whose memberships were or are substantially comprised of state or local elected officials or appointees of governmental bodies. The interim study committee shall report its findings and recommendations to the general assembly not later than December 15, 2010.

DIVISION XIV

ENTERPRISE ZONES INTERIM STUDY COMMITTEE

Sec. 61. ENTERPRISE ZONES INTERIM STUDY COMMITTEE.

1. The legislative council is requested to establish an interim study committee to evaluate the effectiveness of Iowa's enterprise zone program and make recommendations on the future of the program. In conducting the study, the committee shall review the original policy goals of the program, the amount of state assistance provided under the program, and the benefits realized by the state through the administration of the program, and shall reach a conclusion as to whether the amount of assistance provided has been in proportion to the benefits realized.

2. The committee shall be composed of ten members of the general assembly. Five members shall be members of the senate, three of whom shall be appointed by the majority leader of the senate, and two of whom shall be appointed by the minority leader of the senate. Five members shall be members of the house of representatives, three of whom shall be appointed by the speaker of the house of representatives, and two of whom shall be appointed by the minority leader of the house of representatives.

3. The study committee shall issue a report to the general assembly containing its findings and recommendations by January 15, 2011.

DIVISION XV

INDUSTRIAL NEW JOBS TRAINING INTERIM STUDY COMMITTEE

Sec. 62. INDUSTRIAL NEW JOBS TRAINING INTERIM STUDY
COMMITTEE.

1. The legislative council is requested to establish an interim study committee to evaluate the effectiveness of Iowa's industrial new jobs training program and make recommendations on the future of the program. In conducting the study, the committee shall review the original policy goals of the program, the amount of state assistance provided under the program, and the benefits realized by the state through the administration of the program, and shall reach a conclusion as to whether the amount of assistance provided has been in proportion to the benefits realized. The review shall also include an examination of the efficiency of the bonding and withholding credit financing mechanisms used in the programs as well as the administrative and training costs entailed in the operation of the program.

2. The committee shall be composed of ten members of the general assembly. Five members shall be members of the senate, three of whom shall be appointed by the majority leader of the senate, and two of whom shall be appointed by the minority leader of the senate. Five members shall be members of the house of representatives, three of whom shall be appointed by the speaker of the house of representatives, and two of whom shall be appointed by the minority leader of the house of representatives.

3. The study committee shall issue a report to the general assembly containing its findings and recommendations by January 15, 2011.

DIVISION XII

REGULATORY ASSISTANCE INTERIM
STUDY COMMITTEE

Sec. 40. REGULATORY ASSISTANCE INTERIM STUDY COMMITTEE.

1. The legislative council is requested to establish an interim study committee to examine and make recommendations regarding methods of assisting small businesses that do not require direct financial incentives and regarding potential changes of law that would improve business licensing, regulatory compliance, and tax collection procedures.

2. The study committee shall be composed of five members of the house of representatives, five members of the senate, and five members of the general public who are also small business owners. Of the members of the senate, three members shall be appointed by the majority leader of the senate and two shall be appointed by the minority leader of the senate. Of the members of the house of representatives, three members shall be appointed by the speaker of the house of representatives, and two shall be appointed by the minority leader of the house of representatives.

3. a. The study committee shall work with the department of economic development, the department of inspections and appeals, the insurance division of the department of commerce, the department of natural resources, the professional licensing and regulation bureau of the banking division of the department of commerce, the department of public health, the department of public safety, the department of revenue, the secretary of state, and the department of workforce development to study ways to improve the state's business licensing procedures.

b. In preparation for assisting with the interim study committee, a state agency listed in this subsection shall conduct an internal review to identify and prioritize its procedures as they pertain to businesses and business licensing.

c. A state agency listed in this subsection shall provide all necessary assistance to the interim study committee in making recommendations to the general assembly.

4. The interim study committee shall submit its recommendations to the general assembly on or before January 14, 2011.

DIVISION XIV

ALTERNATIVE PUBLIC PROJECT DELIVERY STUDY

Sec. 45. INTERIM STUDY COMMITTEE == ALTERNATIVE PROJECT
DELIVERY == REGENTS INSTITUTIONS.

1. The legislative council is requested to establish an interim study committee to study the use of alternative project delivery for public projects at institutions under the control of the state board of regents. The study shall include but is not limited to a review and analysis of the use of alternative project delivery at land grant institutions and research universities in other states. There shall be three members from the house of representatives and three members from the senate. In addition to the legislative members, the membership of the study committee shall include the following public members:

- a. Two members appointed by the state board of regents.
- b. One member appointed by the Iowa chapter of the American institute of architects.
- c. One member appointed by the American council of engineering companies of Iowa.
- d. One member appointed by the Iowa chapter of the design=build institute of America.
- e. One member appointed by the master builders of Iowa.
- f. One member appointed by the mechanical contractors association of Iowa.
- g. One member appointed by the Iowa chapter of the national electrical contractors association.
- h. One member appointed by the Iowa state building and construction trades council.
- i. One member appointed by the sheet metal contractors of Iowa.

2. The committee shall meet twice during the 2010 legislative interim and shall submit findings and any recommendations in a report to the general assembly by January 15, 2011.

Senate Resolution 115 - Introduced

PAG LIN

SENATE RESOLUTION NO.

BY COURTNEY

1 1 A Resolution requesting the legislative council to act
1 2 in support of the Iowa board of pharmacy contracting
1 3 to convene a task force on medical marijuana.

1 4 WHEREAS, the board of pharmacy performed a careful
1 5 evaluation and held hearings around the state in 2009
1 6 prior to developing a recommendation regarding the
1 7 usage of marijuana for medicinal purposes; and

1 8 WHEREAS, in February 2010 the board of pharmacy
1 9 unanimously recommended reclassifying the drug to
1 10 allow its use for pain, nausea, and other symptoms from
1 11 diseases such as cancer, acquired immune deficiency
1 12 syndrome (AIDS), and multiple sclerosis; and

1 13 WHEREAS, the board of pharmacy recommended formation
1 14 of a task force to make recommendations regarding the
1 15 administration of a medical marijuana program; NOW
1 16 THEREFORE,

1 17 BE IT RESOLVED BY THE SENATE, That the legislative
1 18 council is requested to act in support of the board
1 19 of pharmacy contracting to convene a task force on
1 20 medical marijuana to meet during the 2010 legislative
1 21 interim; and

1 22 BE IT FURTHER RESOLVED, That the task force be
1 23 charged to study and make recommendations regarding
1 24 reclassifying marijuana from schedule I of Iowa's
1 25 controlled substances law under Code chapter 124 into
1 26 schedule II of the law, and for implementation and
1 27 administration of a medical marijuana program; and

1 28 BE IT FURTHER RESOLVED, That the voting membership
2 1 of the task force should include but not be limited to
2 2 all of the following:

2 3 1. A representative of a seriously ill patient.

2 4 2. A representative of law enforcement.

2 5 3. A representative of the attorney general.

2 6 4. A representative of a human immunodeficiency
2 7 virus (HIV) organization or a physician caring for a
2 8 patient with AIDS.

2 9 5. A representative of substance abuse treatment
2 10 providers.

2 11 6. A person who is living with a serious illness
2 12 or a representative of a hospice or palliative care
2 13 provider.

2 14 7. A representative of the Iowa board of nursing.

2 15 8. A representative of the Iowa board of medicine.

2 16 9. Two representatives of the Iowa board of
2 17 pharmacy.

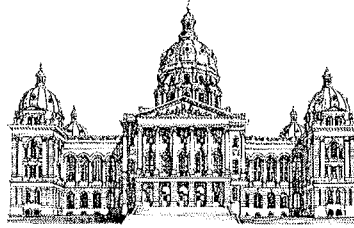
2 18 10. A physician who is caring for a patient with
2 19 cancer.

2 20 BE IT FURTHER RESOLVED, That, in addition to the
2 21 voting membership, four legislative members from
2 22 both political parties and both houses of the general

2 23 assembly should be appointed to act as ex officio,
2 24 nonvoting members of the task force; and
2 25 BE IT FURTHER RESOLVED, That the task force be
2 26 directed to submit a report, including findings and
2 27 recommendations, to the governor, general assembly, and
2 28 board of pharmacy on or before December 15, 2010.
LSB 6282XS (3) 83
jp/nh

Charles Isenhart
STATE REPRESENTATIVE
Twenty-Seventh District
Statehouse: (515) 281-3221
e-mail – charles.isenhart@legis.state.ia.us

HOME ADDRESS
P.O. Box 3353
Dubuque, Iowa 52004-3353
Home: (563) 557-1261



House of Representatives
State of Iowa
Eighty-Third General Assembly
STATEHOUSE
Des Moines, Iowa 50319

COMMITTEES
State Government
Ways and Means
Local Government
Veterans Affairs

APPROPRIATIONS SUBCOMMITTEE
Economic Development,
Vice Chair

March 10, 2010

From: Charles Isenhart, State Representative, House District 27

To: Senator Jack Kibbie, President of the Senate
Senator Michael Gronstal, Majority Leader of the Senate
Senator Paul McKinley, Minority Leader of the Senate
Rep. Pat Murphy, Speaker of the House
Rep. Kevin McCarthy, Majority Leader of the House
Rep. Kraig Paulsen, Minority Leader of the House

Topic: Assisted living in Iowa

Dear Colleagues,

House File 2463 addresses an anomaly in our assisted living statute that -- based on the actions of Assisted Living Concepts at Dubuque Retirement Community in Dubuque -- apparently allows an assisted living facility to decertify and exempt itself from state oversight and regulation, even though the code says assisted living facilities “shall” be certified.

The decertification took place while the facility was under a cloud and owed thousands of dollars in fines for numerous deficiencies, based on surveys by the Department of Inspections and Appeals. This was allowed when Assisted Living Concepts created a new “home health care” provider -- Swan Home Health Care -- under the same corporate ownership as Dubuque Retirement Community. Swan Home Health continued to provide the same services to the same residents with the same employees, and billed for the services on the same invoice as housing costs. The only thing different: no oversight by the State of Iowa required.

The chief executive officer of Assisted Living Concepts has stated publicly that its actions in Dubuque are a “pilot project” that she intends to extend to six other facilities owned by Assisted Living Concepts in Iowa. In my view, this precedent and the prospects of its extension elsewhere in Iowa presents a threat to the health, welfare and safety of many dependent adults.

Inaction by the Legislature on this matter will send three messages we will soon regret: 1) That we bless the actions taken by Assisted Living Concepts; 2) That we send a green light to other

assisted living facilities that wish to pursue the same course of action; 3) That we cast doubt on the legitimacy of any regulation of such facilities. To the extent these ideas take root, we will see the unraveling of assisted living in Iowa.

Therefore, I respectfully request that House and Senate leadership consult about the possibility of addressing this matter through a different legislative vehicle this session. If that is not possible, I request that the Legislative Council Studies Committee establish an interim committee to address these and other matters related to the organization and delivery of long-term care services in various retirement settings and facilities in the State of Iowa.

Based on testimony offered in subcommittee on the bill referenced above, I believe that – as more Iowans live their twilight years in these age-restricted settings -- more confusion is emerging regarding the distinctions between and the proper role of government in regulating independent living, assisted living, continuing care and nursing home facilities.

Key to much of this confusion is the increasing role of “home health care agencies” in delivering various services in these facilities – ranging from the instrumental activities of daily living, personal care services and health-related services. Some of these home care agencies are owned by the same corporate parents as the housing provider.

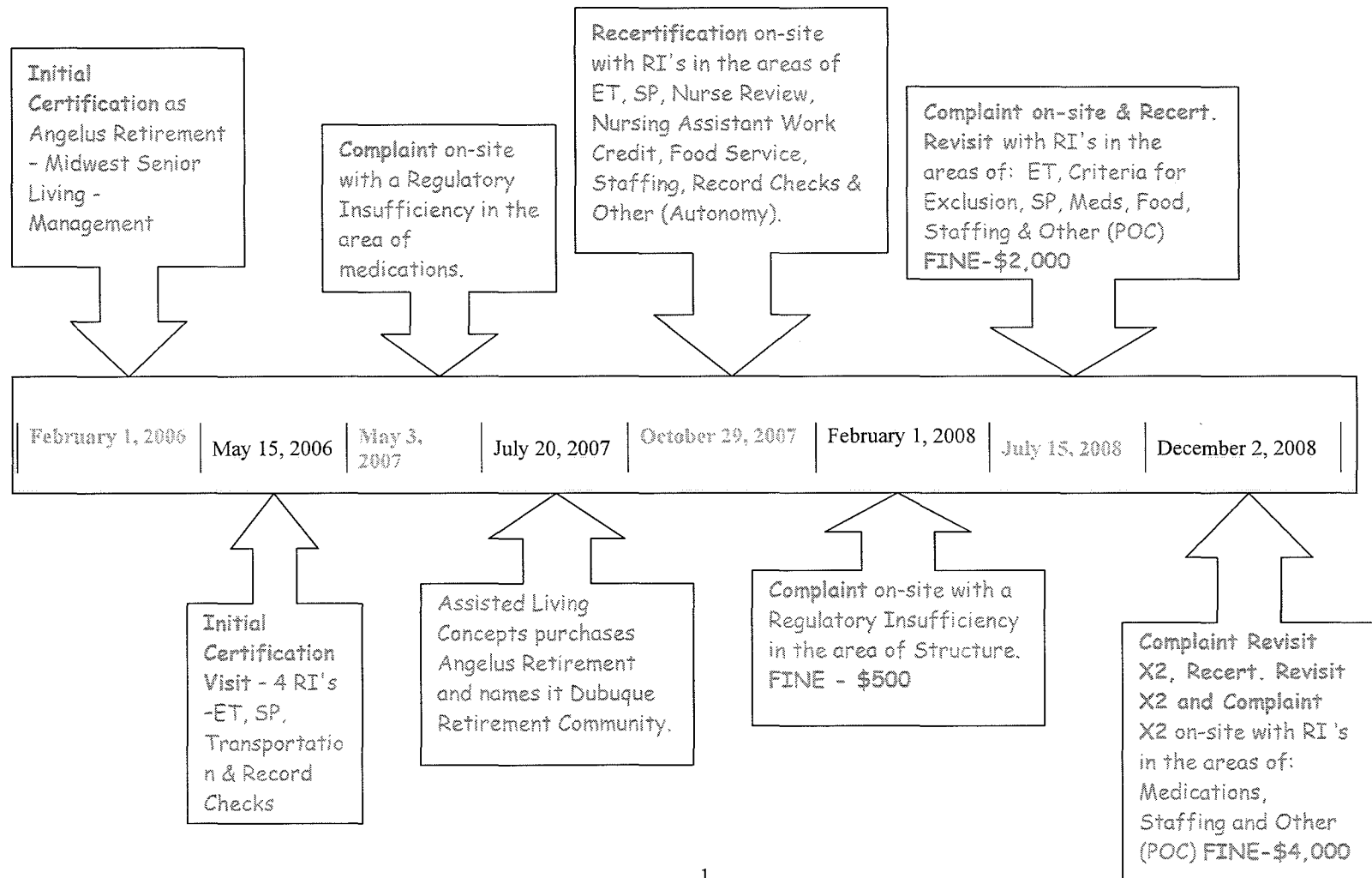
In anticipation of future discussion of the issues involved, I drafted another bill that may also be the subject of interim committee discussion. House File 2079 is an act to require the department of inspections and appeals to certify and monitor the operations of health care or other agencies providing long-term services to persons living in such facilities.

Enclosed with this letter are a number of communications I have received from family members and others expressing their concerns about developments at Dubuque Retirement Community. I have also attached a chronology of the Department of Inspections and Appeals’ dealings with the facility.

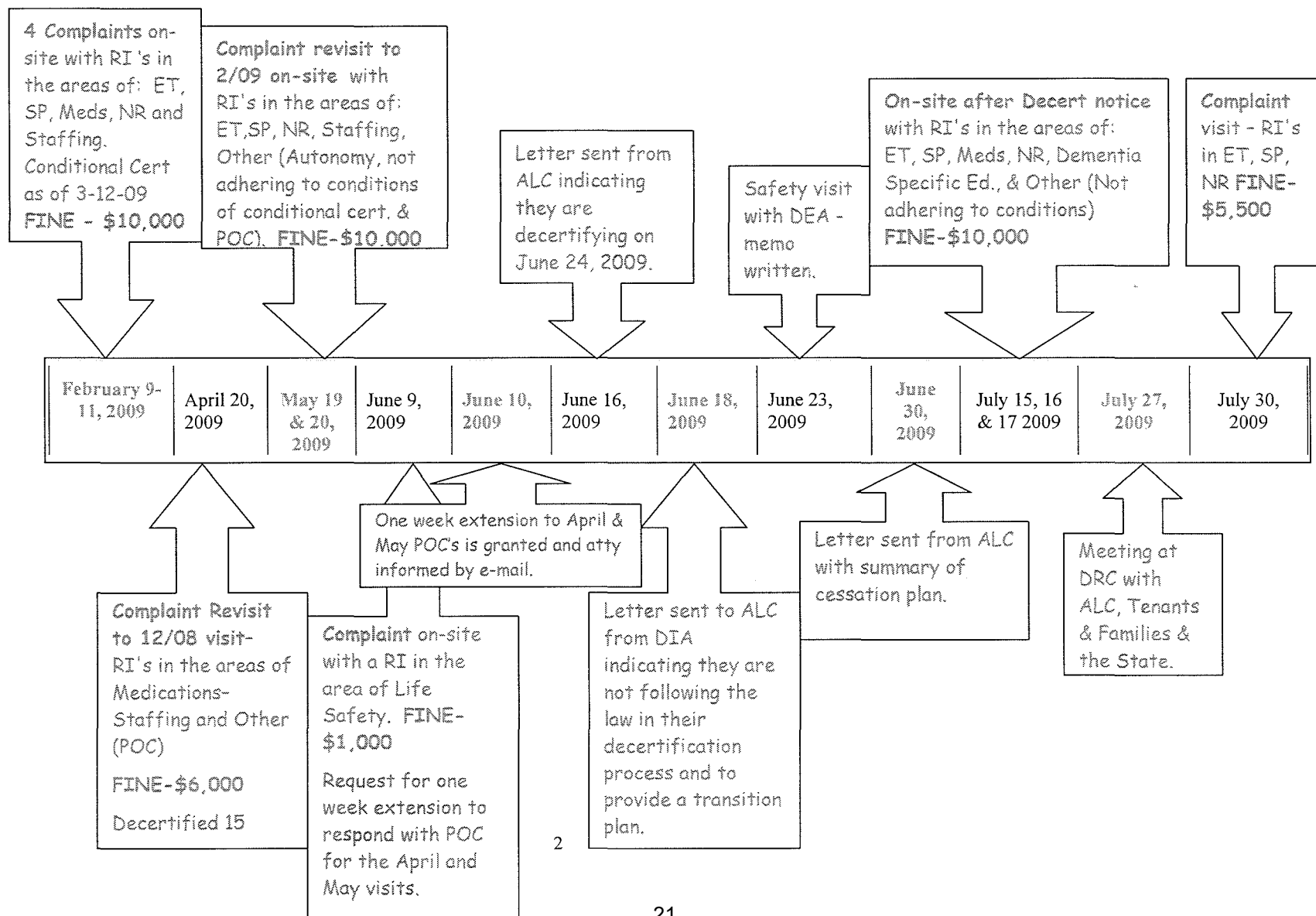
Gentlemen, I thank you for your urgent attention to this matter and respectfully request your timely consideration. Please contact me if you have any questions. I look forward to an opportunity to work with you.

cc: Rep. Mark Smith, chair, House Human Resources Committee
Senator Amanda Ragan, chair, Senate Human Resources Committee
Rep. Linda Miller, ranking member, House Human Resources Committee
Senator David Hartuch, ranking member, Senate Human Resources Committee
Rep. Bruce Hunter, floor manager, House File 2463
Senator Pam Jochum, Senate District 14

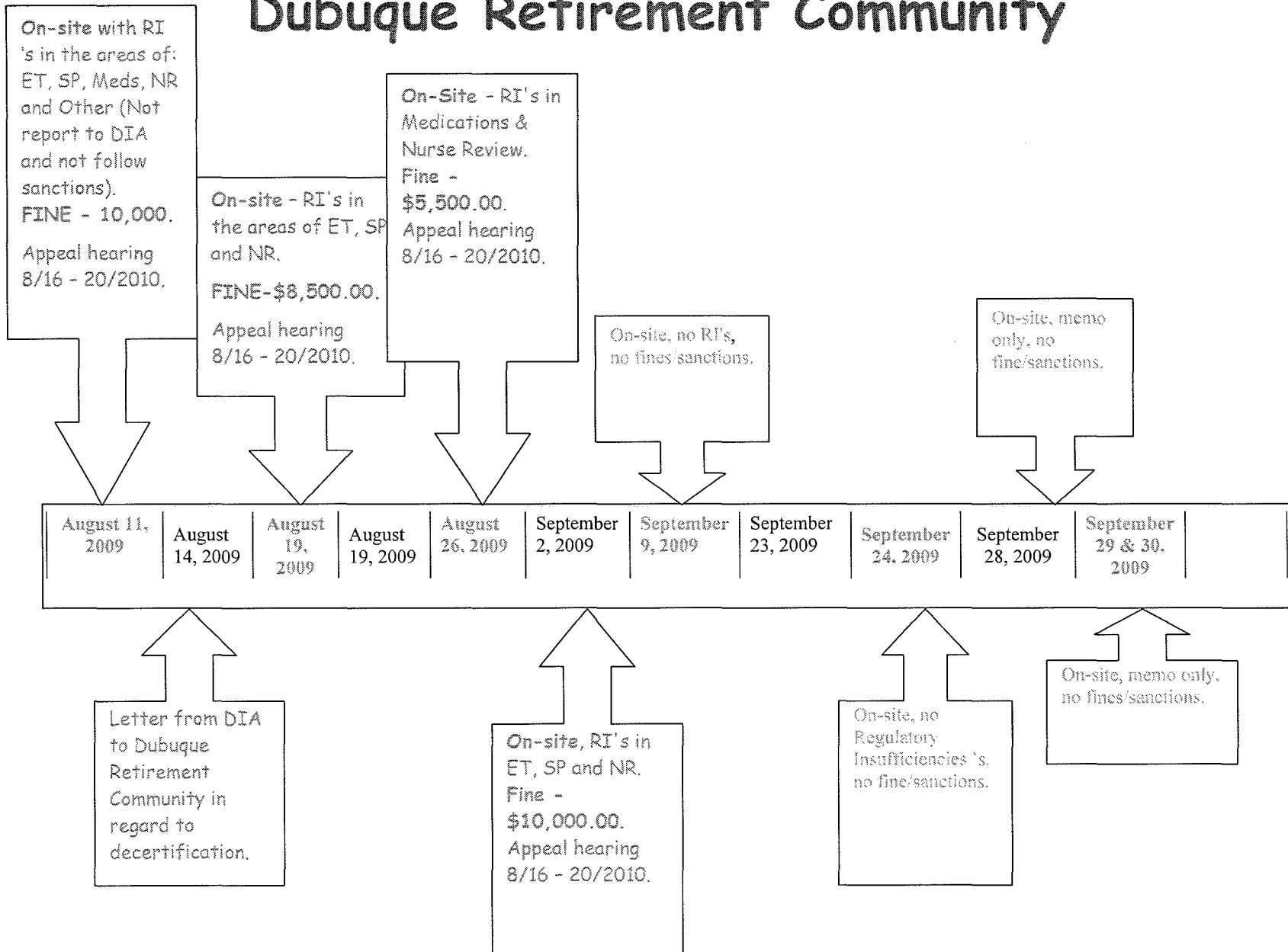
Dubuque Retirement Community



Dubuque Retirement Community



Dubuque Retirement Community



August 25, 2009

Sen. Pam Jochum
2368 Jackson St.
Dubuque, IA 52001-3525

Rep. Chuck Isenhardt
P.O. Box 3353
Dubuque, IA 52004-3353

Dear Sen. Jochum and Rep. Isenhardt:

Please accept my sincere appreciation for your public statements and concern regarding the recent unilateral decision by Assisted Living Concepts (ALC) of Menomonee, Wis., and its Dubuque Retirement Center (DRC). Your comments, as reported in a recent *Dubuque Telegraph-Herald*, were on the mark and complemented the assessment offered by David Werning of the Iowa Department of Inspections and Appeals.

My father, soon to be 89, was the 17th person to move into the then Angelus Retirement Center. For three-plus years, Angelus (now the DRC) has been his "home." Joined by his feline companion, Pumpkin, he reads the *TH* and magazines, has his favorite TV shows, a number of DRC friends, and has a pretty good awareness of the continuing changes that have become the norm---especially since ALC took over ownership. Stability is crucial for seniors at an assisted living facility---it is a missing component now. I recently assumed my father's health care and general power-of-attorney responsibilities so I am attempting to keep on top of the ever-changing scene and turmoil at DRC. For my father, he simply cannot understand the complexities at play now and he either acquiesces to the desires of friendly staff or tosses the issue to me and my siblings.

I am greatly troubled by ALC's move to skirt regulation and monitoring. If any group needs monitoring, it is those in nursing and assisted living facilities. They are powerless, and/or greatly susceptible to being led by individuals in power or with perceived knowledge or insight. The adage my wife and I use as we discuss health care for our aging parents is that they could receive terrible care, not recognize it, and then laud the smiling staff or the great dessert served with the evening meal.

Iowa licenses and regulates a number of areas. I know day-care centers are monitored and licensed. Restaurants are monitored and licensed. Even carnival rides are monitored and licensed. Can we expect anything less for those in an assisted living facility in Iowa?

My connections to Iowa are long and deep. I grew up in southwestern Wisconsin just a few miles from Dubuque, I attended my first two-years of college in Iowa, and my sister and family reside in Peosta and my father has moved from Wisconsin to Iowa. Iowa, like Wisconsin, has a well-earned progressive tradition when it comes to education, health

and the public well-being. So, it was comforting to learn of your positions regarding this decertification move.

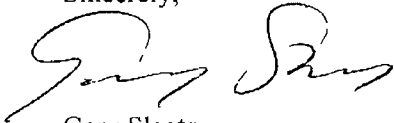
I have had a new contract offered to me by ALC covering DRC residency and Swan Home Healthcare services. After review, I made a few changes and sent the contracts back to ALC. I was soon contacted by legal staff of ALC, asserting that I could not make changes in the proposed contract. My guess is that ALC sees its decisions and contracts as *fait accompli*; and my guess is that many of those who have signed the documents simply acquiesced not realizing that this drama has yet to have its final act.

Also of note is my request for a report on the amounts charged for residency/service at the Center since my father became a resident there. My purpose is to check on percentage increases in care costs over the three year period. ALC says it cannot supply this data as all contacts/records prior to their purchase were destroyed or not turned over. I find this difficult to believe. I also have asked for clarification on how ALC makes determinations on levels of assisted living services with five apparent levels care; the response has been nebulous with no one sharing a matrix or objective standard to determine the proper level of care and billing. Right now residents may be misclassified and higher, unwarranted fees may be the result. Thirdly, I have requested information on the bonding and/or insurance held by ALC and Swan; I've been informed they have the necessary bonding/insurance but details remain unavailable. Through all of this, from Ms. Bebo and others we keep hearing "Just trust us....."

My level of trust has been tested by ALC. As a famed politician once noted in a different situation....."Trust,.....but verify." ALC doesn't want any verification, apparently. Just "trust." And given ALC being a publicly-traded company, its need for profits takes precedence over everything.

I do applaud the hard-working and stretched staff at DRC. I gather from them in candid comments that they are being pushed to the limits. Labor costs are increasingly being targeted by ALC. DRC staff also is in a difficult situation as in these times jobs are scarce and the "company line" must be followed to survive. What is left are residents who are simply caught in a situation in which they did not create and are powerless to control.

Sincerely,



Gary Slaats
3054 Woods Edge Way
Madison, WI 53711-5153
608-270-0005
slaats@charter.net

cc: Dave Werning, IDISA

3020 Yorkshire DR. NE
Cedar Rapids, IA 52402
August 26, 2009

Rep. Chuck Isenhardt
1611 Main ST.
Dubuque, IA 52001

Dear Chuck,

Enclosed is the report you asked me to write regarding my father, Donald Farquar. It covers the time line from December 17, 2007 when he entered the Dubuque Retirement and Assisted Living facility as a "respite" resident until he passed away March 13, 2009.

I have been following the actions of the Assisted Living Concepts Corporation and the State in the Telegraph Herald and The Des Moines Register.

I do not believe the residents who remain understand what will take place if it is allowed to drop its license.

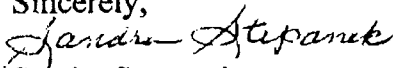
I talked with a family member of a resident who has chosen to remain in the facility. The resident chose to stay because she "doesn't want to leave her friends". When the family member visited the resident she told the daughter she had signed the contract that morning. The daughter asked her what the contract said. The resident told her that she didn't know what it was all about but wanted to save her daughter having to do another "thing" for her. The daughter received a letter from ACC written to the family members of the residents asking them to be present when the new contract was signed. She received the letter a week after the contract had been signed. This just goes on and on.

I applaud your efforts to keep State oversight of this facility. It is so important to protect the elderly from corporations such as ACC who place greed over the well-being of their clients.

I thank you for talking with me so that you would be aware of the truth of Dad's incident and our feeling regarding State oversight.

If I can be of further help to you, please contact me.

Sincerely,


Sandra Stepanek

Donald C. Farquar
October 17, 1916- March 13, 2009

Report regarding Donald Farquar, resident of the Dubuque Retirement Community,
Dec. 17, 2007 to March 13, 2009

- December 17, 2007 Donald, at the age of 91 years, entered the DRC as a "RESPITE" resident from the Finley Hospital Emergency Room. He had gone to the ER via ambulance because the previous evening a chair he was sitting on collapsed and he fell. The next morning he was in a lot of pain and called the ambulance. X-ray showed he had a badly bruised hip and could not walk unaided. The ER physician told us that he could not go home because he lived in a two story house with bathroom and bedroom facilities on the second floor. He could not remain hospitalized because of insurance. I asked if I could have 24 hrs. to find a suitable facility for him. The Social Worker told me she had already made arrangements for him to go to the DRC in "respite" care and that he would most likely need to be there a month. Upon admission, we were told that "Respite Care" included 3 meals/day, assistance as needed, and checks by staff 3 times/day to make sure he was safe. He was given a "call button" connected to an alarm system.
- April 7, 2008 The winter was harsh and Dad was unable to go back to his home safely. He made the decision to move permanently into his apartment at the facility. Dad was mentally alert, able to administer his own medications, drive himself to doctor appointments, and could meet his daily needs. Upon admission as an assisted living resident he was told the staff would check on him morning and at bedtime, his laundry would be done weekly, and the apartment cleaned once a week.
- April 14, 2008 Dad was placed on Level One Care of assisted living. This included morning and evening medication reminders, meal checks, in addition to weekly housekeeping and laundry.
- June 4, 2008 The city tornado alert was sounded. Dad was asked by the residents at breakfast the next day why he did not join them in the basement during the alert. Dad knew nothing about it as he did not hear the siren and no one came to inform him he was to join the other residents.
- November 3, 2008 Dad fell near the foot of his bed and suffered a fractured hip.
- My sister, a Florida resident, and I, a Cedar Rapids resident, made a practice of calling Dad every day. Each of us tried to reach dad at our usual times of phoning, but he did not answer. At 5:15 p.m my sister telephoned me and said she had not been able to contact Dad all day. I, too, could not reach him. We thought perhaps the phone had become disconnected or that he was at a meal when we tried calling.

When he had not answered by 6:00 p.m. I attempted to reach the facility. I did not reach a person, only a phone recording giving the extension numbers of the staff who I knew was not on the premises after 4 P.M. Staff members who no longer worked there were still on the phone roster. We had been told when Dad was admitted to the facility that the CNA's carried portable phones 24/7 and could always be reached. At 6:45 p.m. I finally reached a CNA who was working in the dining room. I asked if Dad was at dinner and she said she had not seen him. I heard her ask others and someone thought she "might have seen him at breakfast, but wasn't sure." I asked her to please go to Dad's apartment to check on his well being. I stayed on the phone while she walked to his residence. She said his newspaper was lying outside of his apartment; the room was dark.. When she called him I heard him answer. She said he was lying on the floor in a great deal of pain. Would I approve of her calling an ambulance to take him to the hospital. I asked her to ask Dad what time he fell. He said it was at 3 a.m.. I asked if he was still clothed in his pajamas and she said he was. The CNA called me when the paramedics arrived to tell me they were quite certain he had a fractured hip. I called my friends to stay with Dad at the hospital until I could get there from Cedar Rapids. Upon arrival, I found Dad in the ER, alert and coherent. I asked him to tell me what had happened. He said, "I did two stupid things: I left my call button on the night stand and I didn't take my walker because I had to hurry to bathroom." I asked him what time he got up. He said "3 a.m.. I got near the bed and my legs got weak and I fell to the floor. I lay there all night, I guess, as it was dark. I kept calling for help and kept working to get the blanket down from the bed because I was cold. I thought when morning came the girl would come in around 8 o'clock like she usually did and then she would find me. But no one came. I heard the phone ring several times all day and tried my darnedest to roll over to it, but I just couldn't do it. I kept calling out all day and then it got dark again and no one came until you called them."

My friends told me Dad told them the same story so I knew he was not confused as to the amount of time he lay on the floor. He was still in his pajamas and had the start of a growth of beard. He never left his room in his pajamas and if he lay down during the day he would not change from street clothes back into his pajamas. It was just too tiring a task. Dad missed four meals and no one noticed.
He did not have his medication that morning because no one checked and he was unable to get to it.

- November 4, 2008 Dad had surgery to repair the fracture and was hospitalized for 17 days.
- November 20, 2008 Dad returned to the DRC even though my sister and I encouraged him to move to another facility. Dad was fully capable of making this decision. Dad's health continued to decline the remaining months of his life.

- December 2, 2008 Stephanie Cummins of the State Dept. of Inspections and Appeals visited with Dad, my sister and me. She explained she was there on a required, routine visit of the facility. She asked us to relate what took place the night of Dad's fall. She stated that our story did not coincide with that recorded in Dad's file.
- January 29, 2009 Dad was enrolled in the Hospice of Dubuque program. Dad became increasingly weak and needed two person assistance. The administrator told us that Dad could not be kept in the facility under State rules, but he could remain there under a Hospice waiver.
- February 9, 2009 Stephanie Cummins of the State Dept. of Inspections and Appeals and Hal ? Elder Care Ombudsmen visited and asked that we write a report of Dad's incident for their records. We were given the telephone number of the Dept. of Elder Care if we had concerns that Dad was not receiving proper care.
- February 19, 2009 Dad moved from his apartment to a studio on first floor near the front desk at the request of Hospice Staff and Administration. It was felt that Dad needed closer supervision when either Hospice Staff, my sister or I was not there. The DRC staff passed his room more frequently in this location and would notice if he needed help. DRC staff was to check on him every two hours 24/7.
- March 13, 2009 Dad passed away at 8:00 a.m.
- April 23, 2009 "Retirement site's license at risk" Telegraph Herald.

The article states "the tenant (our father) fell in an apartment. Family members say the fall occurred at about 3 a.m., and the resident wasn't found for 12 hours. The DRC doesn't deny resident fell, but refutes the charge that the tenant wasn't found for 12 hours. 'that is a much longer time frame than the documentation we have,' said Bebo."
- June 24, 2009 Dubuque Retirement Community announces it will terminate its state certificate assisted-living facility license and operate as an independent facility.
- July 28, 2009 Residents and families meet with Laurie Bebo, CEO of Assisted Living Concepts, officials of IA Dept of Inspections and Appeals, Representatives from the IA Attorney General's Office, IA Dept of Aging, Dept of Human Services and the Insurance Division, State Senator Pam Jochum, State Rep. Chuck Isenhardt.

July 29, 2009 Telegraph Herald: "Dubuque Retirement's move makes some uneasy"

"You can't always go with what you hear in the papers, Bebo said. "I guess a headline about someone being left on the floor for 15 hours plays better." This quote was a reply to a suggestion that allegations against the facility have been taken out of context by the state and media. This statement was in reference to our father.

July 29, 2009 between 10:00-10:30 a.m.

Attempt to reach via telephone, Laurie Bebo, CEO Assisted Living Concepts, owner of the DRC. Her assistant tells me Laurie is out of the office but will return my call this afternoon.

July 30, 2009 3:17 p.m. Attempt to reach Laurie Bebo via telephone. Left voice message.

July 31, 2009 10:15 a.m. Attempt to reach Laurie Bebo via telephone. Left voice message.

11:00 a.m. Ms. Bebo returns my call. I ask her to recant her statements as quoted in the Telegraph Herald, April 29 and July 23, 2009, as they were hurtful and offensive to our family and were not true. She refuses. I tell her the incidents that have taken place are due to lack of qualified staff, short staffing, and assignments beyond the C.N.A.'s capability. I also express our concern for the residents who are residing in the facility if the corporation carries through with its plan to drop its assisted living license. She totally disagrees with all of my statements.

July 31, 2009 I leave a voice message with State Representative Chuck Isenhart, and State Senator Pam Jochum, Dubuque

I speak with Rep. Isenhart expressing our concern regarding the DRC's plan to drop it's license. I to ask him to support continuation of State oversight of the facility.

to I tell him the facts of our father's fall. Rep. Isenhart tells me that the story I am telling him does not coincide with the story Ms. Bebo told to the audience at the family-resident meeting of July 28. In

August 7, 2009 addition to Ms. Bebo's story regarding the time our father lay on the floor he said she told the audience the family was very upset the State was involved and that we were supportive of the facility. I tell him that my sister and I are fully behind the State investigation. He asks me to call Linda Miller, ranking member of the Iowa Human Resources Committee, to express my concerns and support of State oversight.

I call Ms. Miller and request that she do all she can to prevent decertification of the DRC.

July 31-Aug.7 cont'd:

I speak with State Senator Pam Jochum. I receive the same message from her regarding Ms. Bebo's statements. Ms. Jochum asks if I would be willing to tell my story to staff reporter, Clark Kauffman, The Des Moines Register.
I tell her I would, because we feel the truth needs to be told.

I speak with a family member of two different residents who were in attendance at the meeting. I receive the same message from them as to Ms. Bebo's comments.

August 13, 2009

I speak with Clark Kauffman of The Des Moines Register. He was in attendance at the meeting of July 28. He, too, is surprised at the difference in my story and Ms. Bebo's. Clark interviews me and tells me the story will appear in the paper the next day.

August 14, 2009

The article is printed in The Des Moines Register.

Andrew Brunner staff writer for the Telegraph Herald contacts me to interview with him. He, too, is surprised that my story does not coincide with Ms. Bebo's comments. Andrew was in attendance at the meeting, July 28. Andrew tells me the interview will appear in his story on August 16.

August 16, 2009

Andrew Brunner's interview with me is included in his article printed in the Telegraph Herald.

CONCERNS

Administration: The DRC administrator position changed four times from December 17, 2007 through March 16, 2009. Dad never received notification. Each time I found the change had been made when I asked for the particular administrator and would be told "that person is not here any longer."
I was told by the "interim administrator" that the new administrator would need to have a health care background. The previous administrator had been the marketing director who had been promoted when the previous administrator resigned.

Nursing:

Nurse Manager

No notification that the Nurse Manager had been dismissed. The facility was without full-time nurse supervision for approximately one month: January 21, 2009 to February 15. (The dates might not be exact). Occasionally I would see a "corporate" nurse in the building for a half day. There was never nurse supervision on the weekend. I asked the "interim administrator who would cover for supervision and emergencies when the nurse was not in the building. He told me that a nurse was just "15 minutes away".

After pressing the him as to where this 15 minute location was, he told me one corporate nurse lived in Wisconsin and the other in Omaha, NB.

The Nurse Supervisor is given too many responsibilities. She is responsible for assessment of the residents, assignments of the C.N.A.'s, housekeeper, and supervision of the C.N.A. who administers the medications and record keeping.

Lack of a nurse on the evening and night shifts; especially the evening shift
Many medications are prescribed to be taken in the evening. C.N.A.'s need just as much supervision in the evening as is needed during the day. They are not qualified to handle all types of emergency situations.

Certified Nurse Aide (C.N.A.)

C.N.A.'s are given too much responsibility and responsibility for which they are not qualified; e.g., we thought those administering medications were certified, but after the full time RN was hired in February, the C.N.A.'s told us they had to come in early to learn how to pass medications.. They are given the responsibility of changing medication patches and dressings.

There were errors with the administration of Dad's medications: not given at the correct time, or he was given the wrong medication. The doctor would send a new or changed prescription and it usually took at least a day for the medication to begin and the order followed correctly. It took several attempts talking to the Nurse Manager to get a pain medication routine established.

Staffing:

Staffing is short ; especially the evening and night shifts. The aides are expected to assist the residents to and from the dining room, help serve the meal, deliver trays to those who cannot eat in the dining room, and help clean the dining room after the meal is served. After this work is finished all of the C.N.A.'s go home except for two. One aide passes medications and the other assists residents to bed. In addition, the two are responsible for aiding the resident in bathing and to do the laundry of the resident. Bathing and laundry is scheduled. Of course, this service is more frequent than the scheduled time because of incontinence etc. The night shift is staffed with only two C.N.A.'s also. These aides administer medications, check on the resident and aide them as needed.

Staffing with two aides for approximately 116 residents is frightening. For example, if a resident has an insulin reaction, the aides are trying to help the resident and calling the Nurse Manager for directions. Should a resident fall or another emergency arise, that resident will have to wait until the first emergency is under control because both of the aides are with the first emergency.

If a fire was to take place, how would two aides assist and make certain all were evacuated and accounted for? They couldn't. A prime example: the tornado warning I sighted in regard to our father on June 4, 2008.

Housekeeping

There is one housekeeper responsible for cleaning the entire facility. If a resident moves out, she is responsible for cleaning that apartment in addition to her daily assignments. Some weeks Dad's room didn't get cleaned and sometimes it was "hit and miss". I don't fault the housekeeper ; it is humanly impossible to keep up a whole facility in 8 hours a day.

I am sighting these concerns as examples of the reasoning my sister and I have for the need to keep this facility under State oversight. If the Dubuque Retirement Facility is allowed to drop its license and still admit the elderly, whether independent or needing assistance, it will be a travesty for those residents who believe there will be someone to assist them immediately in an emergency and who believe they will be allowed to remain in the facility until the end of their life.

The facility has been sighted with so many errors under State oversight. When incidents don't have to be recorded or reported, what will happen to the residents? Some have family living a long distance from them and can't get there in a day or two. Some of the elderly aren't aware enough of what is going on to be able to tell their family if they are receiving good care or not.

Some have questioned the judgment of my sister and me in returning our father to the facility after this harmful, stressful, and emotional incident. It was hard for him to move out of his home after living in it for 88 of his 92 years. We were worried if we moved him, it would confuse him and cause his mental state to deteriorate more. He really liked the girls who cared for him and was comfortable around them. He was a private man, a WWII veteran who fought in the Battle of the Bulge and received the Bronze Star. He wouldn't complain about anything and certainly wouldn't take it up with management if he thought the care was bad. I am sure there are many like him living in this facility.

Yes, I did write a thank you after Dad died to thank the staff, not Ms. Bebo, for the loving care the girls gave Dad. Some were like daughters to him. In no way did I mention we were unhappy with the State contacting us nor with its attempt to require the corporation to comply with regulations. Dad cannot benefit from State oversight, but we strongly feel State oversight is important to protect people who aren't in a mental or physical state to take care of themselves, and whose children can't be there every second to make sure they are being taken care of properly.

Sandra Stepanek, daughter
3020 Yorkshire DR NE
Cedar Rapids, IA 52402



House of Representatives

STATE OF IOWA

STATEHOUSE

Des Moines, Iowa 50319

March 24, 2010

Senate President Jack Kibbie, Chair
House Speaker Pat Murphy, Vice Chair
Iowa Legislative Council

President Kibbie and Speaker Murphy:

We request that the Legislative Council appoint a legislative study committee during the 2010 interim, to review Iowa laws and procedures that relate to the development and control of the state budget. The scope of the review should include all sources of revenue that impact the state budget, including federal sources and other sources.

The study committee should include a review of Iowa laws and procedures relating to the Revenue Estimating Conference, expenditure limitation law, reserve accounts, the budget processes and timetables of the legislative and executive branches, and other laws and procedures that relate to the budget development process.

In completing the review, the study committee should consider budget procedures of other states and should consult with national organizations that specialize in providing information and consultation services to state governments. The committee's goal is to find ways to improve Iowa's process for estimating revenue and balancing the budget.

cc: House Majority Leader Kevin McCarthy
House Minority Leader Craig Paulsen
Senate Majority Leader Mike Gronstal
Senate Minority Leader Paul McKinley

was attached

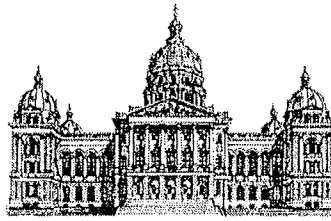
Jim Beal *Sharon Heckman* *Kurt Rung* *Margaret* *Nate Will*
Harry Mascher *Eric Paulsen* *Larry Marek* *Paul Shomster*
John Oger *Andrew J. Whitte* *Gene Ficken* *Alvin Olson*
Wick Sensing *Beth Wessel-Kroeschell* *Janet Petersen*
Ty Zerkow *Cindy Mueller* *John Smith*

Jerry Kearns
James M. Murg
Allora L Berry
Jill Mella
Myllis Tiede
Jim Ekman
Paul Beel

Roger Thomas
Randy Kelley

Kurt Swain
Curt Hanson
Mary Gaskill
Polly Bukta
Henry D.
Marilyn Butler
Art R.
Bruce Ginter
An L Hadden
Mike Reasoner
Brian F. Zund
T.J. Schueller
Dennis Cohoon

Kraig Paulsen
STATE REPRESENTATIVE
Thirty-Fifth District
Statehouse: (515) 281-3521
e-mail – kraig.paulsen@legis.state.ia.us



Minority Leader

HOME ADDRESS

1305 Cress Parkway
Hiawatha, IA 52233
Home 319-294-2062

**House of
Representatives**
State of Iowa
*Eighty-third General
Assembly*
STATEHOUSE
Des Moines, Iowa 50319

March 25, 2010

Senate President Jack Kibbie, Chair
Speaker Pat Murphy, Vice Chair
Iowa Legislative Council

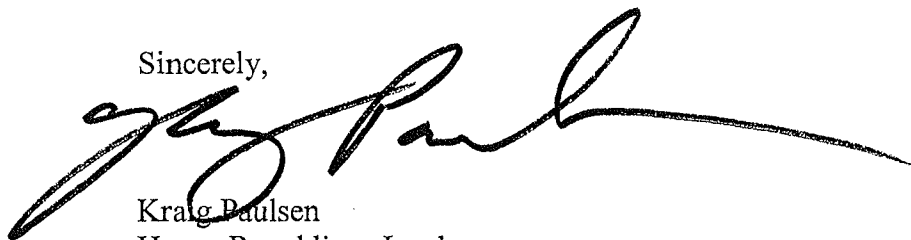
To President Kibbie, Speaker Murphy, Members of the Legislative Council Committee:

House Republicans request that the Legislative Council convene a study committee during the 2010 interim session to consider a number of budgetary concerns affecting the legislative process. Among these concerns, we would specifically like the following to be considered and addressed:

- Using a seven year average of revenue growth to estimate revenue for the upcoming fiscal year.
- Requiring all new sources of one-time money to be deposited into the Cash Reserve Fund.
- Creating an expenditure limitation for gambling revenue.
- Increasing the Economic Emergency Fund from 2.5 percent to 5 percent for total cash reserves of 12.5 percent.
- Requiring the reopening of collective bargaining contracts in the event of an across the board cut.
- Requiring all surplus funds after the reserves are full to be refunded to the taxpayer.
- Requiring that cash proceeds from forfeited property to be deposited into the Cash Reserve Fund.

We appreciate the Legislative Council looking further into these budgetary strategies and their implications for the state. We believe it is the utmost importance that we consider changes to Iowa's budgeting methods in order to improve the process and balance Iowa's budget.

Sincerely,

A handwritten signature in black ink, appearing to read "Kraig Paulsen". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Kraig Paulsen
House Republican Leader

cc: House Majority Leader Kevin McCarthy
Senate Majority Leader Mike Gronstal
Senate Minority Leader Paul McKinley

KP/no

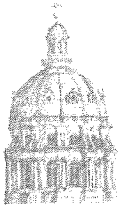
March 3, 2010

TO: CHAIRPERSON, STUDIES COMMITTEE, LEGISLATIVE COUNCIL
SPEAKER OF THE HOUSE PAT J. MURPHY
VICE CHAIRPERSON, STUDIES COMMITTEE, LEGISLATIVE
COUNCIL MAJORITY LEADER, MICHAEL E. GRONSTAL
MEMBERS OF THE STUDIES COMMITTEE, LEGISLATIVE COUNCIL

FROM: REPRESENTATIVE DOLORES M. MERTZ

RE: REQUEST TO ESTABLISH A LEGISLATIVE INTERIM COMMITTEE
TO CONSIDER LAWS RELATING TO LEVEE AND DRAINAGE DISTRICTS

This letter is to request that the Studies Committee and Legislative Council establish a legislative interim committee during the 2010 interim in order to examine laws relating to levee and drainage districts in this state, including provisions in Code chapter 468, and may if necessary propose legislation for consideration by the 84th regular General Assembly during 2011 legislative session.



JOHN P. (JACK) KIBBIE

OFFICE OF THE
PRESIDENT OF THE SENATE

STATE CAPITOL
DES MOINES, IOWA 50319
515-281-3811

June 1, 2010

TO: Chairperson Murphy, Vice Chairperson Gronstal, and
Members of the Studies Committee of the Legislative Council

FROM: Senator Jack Kibbie

RE: Legislative Study Committee on Levee and Drainage District Law

I recommend that the Studies Committee and Legislative Council establish a legislative study committee to review Iowa law on levee and drainage districts. Recent conflicting court cases have created confusion and recommendations are needed to resolve and clarify different portions of current statute.

(2) Evaluate the state's systems for job classification of executive branch employees in order to ensure the existence of technical skill-based career paths for such employees which do not depend upon an employee gaining supervisory responsibility for advancement, and which provide incentives for such employees to broaden their knowledge and skill base. The evaluation shall include but is not limited to a review of the classifications for all positions and providing options for eliminating obsolete, duplicative, or unnecessary job classifications. The department shall present interim reports to the general assembly on or before January 15, 2010, and January 14, 2011, concerning the department's progress in completing the evaluation and associated outcomes.

DIVISION V

SPAN OF CONTROL

Sec. 67. Section 8A.402, subsection 2, paragraph g, Code Supplement 2009, is amended to read as follows:

g. (1) (a) Consult with the department of management and discuss and collaborate with executive branch agencies to implement and maintain a policy for incrementally increasing the aggregate ratio in the number of employees per ~~supervisor~~ supervisory employee in executive branch agencies ~~to be fourteen employees for one supervisor~~. For purposes of determining the effects of the policy on the state employee workforce, the base date of July 1, 2008, shall be used and the target date for full implementation shall be July 1, 2011. The target aggregate ratio of supervisory employees to other employees shall be as follows:

(i) For the fiscal year beginning July 1, 2010, one to fourteen.

(ii) For the fiscal year beginning July 1, 2011, one to fifteen.

(b) For the purposes of this paragraph "g", "supervisory employee" means a public employee who is not a member of a collective bargaining unit and who has authority, in the interest of a public employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees, to direct such public employees, or to adjust the grievances of such public employees, or to effectively recommend any such action.

(c) In this paragraph "g", executive branch agencies, except the department of public safety, shall not grant a supervisory employee with the right to replace or bump a junior employee not being laid off for a position for which the supervisory employee is qualified.

~~(b)~~ (d) The policy shall allow appropriation units with twenty-eight or fewer full-time equivalent employee positions to apply for an exception to the policy through the executive council. The policy shall allow for exceptions when the supervisory employee ratio is mandated by a federal requirement.

(e) (i) Beginning July 1, 2011, the policy shall allow a director of an executive branch agency who believes that the agency will not be able to reach the applicable target aggregate ratio to apply for a waiver of that requirement through a five-person review board. In applying for a waiver, the director shall provide detailed documentation to the board describing the efforts that the executive branch agency has made in attempting to meet the applicable target aggregate ratio provided in this paragraph "g". The review board shall consist of the director of the department of management or a designee of the director, three agency directors or the designees of those directors as designated by the governor, and one public member selected by the employee organization representing the greatest number of executive branch employees. However, if a department represented on the review board seeks a waiver, the member representing the department shall not participate in the decision on whether to grant a waiver for that department.

(ii) Prior to determining whether to grant a waiver, the review board shall make an initial determination of whether the executive branch agency has provided sufficient information to conduct a review. If not, the review board shall deny

the request and notify the executive branch agency of the information needed to consider the request for waiver. If a waiver is granted, the review board shall limit the waiver to only those operations within an executive branch agency in which adequate justification for granting a waiver has been established.

(f) The policy shall provide that if layoffs are implemented, the number of middle management position layoffs shall correspond to the relative number of direct service position layoffs.

(g) The policy shall improve on the system in effect as of the base date by specifically defining and accounting for supervisory employee span of control.

(h) The policy shall provide that in calculating the span of control ratio for an executive branch agency, unfunded full-time equivalent positions shall not be utilized.

~~(c)~~ (i) The department shall present an interim report to the governor and general assembly on or before April 1, 2010, annual updates on or before April 1 subsequently, and a final report on or before April 1, ~~2011~~ 2012, detailing the effects of the policy on the composition of the workforce, cost savings, government efficiency, and outcomes.

~~(d)~~ (j) The policy developed pursuant to this paragraph "g" shall not encompass employees under the state board of regents, the department of human services, or a judicial district department of correctional services. However, the department of administrative services shall work with the state board of regents, the department of human services, and the judicial district departments of correctional services to advance the policy as a goal for the supervisory staff of these units of state government.

(2) Evaluate the state's systems for job classification of executive branch employees in order to ensure the existence of technical skill-based career paths for such employees which do not depend upon an employee gaining supervisory responsibility for advancement, and which provide incentives for such employees to broaden their knowledge and skill base. The evaluation shall include but is not limited to a review of the classifications for all positions and providing options for eliminating obsolete, duplicative, or unnecessary job classifications. The department shall present interim reports to the general assembly on or before January 15, 2010, and January 14, 2011, concerning the department's progress in completing the evaluation and associated outcomes.

6. Program administration and reporting.

a. The department of administrative services shall administer the program and shall adopt administrative rules to administer the program. The department of administrative services and the department of management may adopt rules on an emergency basis under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement this section and the rules shall be effective immediately upon filing unless a later date is specified in the rules.

b. Records of the Iowa public employees' retirement system shall be released for the purposes of administering and monitoring the program subject to the requirements of section 97B.17, subsection 5.

c. The department of administrative services, in collaboration with the department of management, shall present an interim report to the general assembly, including copies to the legislative services agency and the fiscal committee of the legislative council, by October 1, 2010, concerning the operation of the program. The department shall also submit an annual update concerning the program by October 1 of each year for four years, commencing October 1, 2011. The reports shall include information concerning the number of program participants, the cost of the program including any payments made to participants, the number of state employment positions not filled pursuant to the program, and the number of positions vacated by a program participant that have been refilled.

Sec. 21. DEPARTMENT OF ADMINISTRATIVE SERVICES INFORMATION
TECHNOLOGY == UTILIZATION BY LEGISLATIVE AND JUDICIAL
BRANCH. The department of administrative services shall
consult with and explore opportunities with the legislative
and judicial branches of government relative to the providing
of information technology services to those branches of
government.

Sec. 22. CHIEF INFORMATION OFFICER == CONVENIENCE FEE STUDY. The chief information officer of the state shall conduct a study concerning convenience or other handling fees charged by state agencies by credit or debit card or other electronic means of payment. The goal of the study would be to encourage the elimination of such fees wherever possible. The department shall determine the extent and amount of the fees charged, revenues generated by those fees, and explore ways to reduce or eliminate the fees. The chief information officer shall submit a report to the general assembly by January 15, 2011, concerning the results of the study, including any recommendations for legislative consideration.

Sec. 80. DEPARTMENT OF ADMINISTRATIVE SERVICES == REAL
ESTATE AND LEASE MANAGEMENT.

1. REAL ESTATE AUDIT. The department of administrative services shall complete an inventory of surplus and unused state properties, including properties owned or under the control of the department of transportation, and recommend which assets could be sold at a premium price. State historic buildings would not be eligible for sale and only those assets identified as being surplus and no longer related to their mission would be eligible for sale.

2. LEASE AUDIT. The department of administrative services shall conduct a thorough review of all state office leases and wherever possible, require state agencies to consolidate office spaces that are rented from private sector landlords. In addition, the department should work directly with all state agencies to begin renegotiating office leases to obtain more favorable lease terms.

3. SALE AND LEASEBACK OF STATE OFFICE BUILDING ASSETS. The department of administrative services shall explore potential opportunities for state agencies to sell some properties to a private sector owner and then lease them back.

4. REPORT. The department shall submit a report to the general assembly by January 1, 2011, concerning the requirements of this section. The report shall, if applicable, identify any statutory barriers for pursuing efforts described in this section and shall include in the report its findings and any recommendations for legislative action.

Sec. 345. ANNUAL REPORTING REQUIREMENT. On the thirtieth day after the effective date of this division of this Act, and on the anniversary of the effective date of this division of this Act each year thereafter, the attorney general shall submit to the chairpersons and ranking members of the house and senate committees on judiciary, the legislative caucus staffs, and the legislative services agency, in electronic format, a report containing all of the following information:

1. The number of cases the attorney general filed during the previous calendar year under this chapter.

2. The number of cases qui tam plaintiffs filed under this chapter during the previous calendar year, including those cases that remain under seal, and specifying all of the following for the cases:

- a. The state or federal court in which each case was filed and the total number filed in each court.

- b. The state program or agency involved in each case.

- c. The number of cases filed by qui tam plaintiffs who previously filed an action based on the same or similar transaction or allegation under the federal False Claims Act or the false claims act of another state.

3. The amount recovered by the state in the form of settlement, damages, penalties, and litigation costs, if known, and specifying the following for each case:

- a. The case number and parties for each case in which there was a recovery.

- b. The amount of funds recovered respectively for damages, penalties, and litigation costs.

- c. The percentage of the recovery and the amount that the state paid to any qui tam plaintiff.

Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES.

1. There is appropriated from the general fund of the state to the department of administrative services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,053,209
.....	FTEs	62.51

b. For the payment of utility costs:

.....	\$	3,127,085
.....	FTEs	1.00

Notwithstanding section 8.33, any excess funds appropriated for utility costs in this lettered paragraph shall not revert to the general fund of the state at the end of the fiscal year but shall remain available for expenditure for the purposes of this lettered paragraph during the succeeding fiscal year.

It is the intent of the general assembly that the department shall reduce utility costs through energy conservation practices. The goal of the general assembly is to reduce energy use by 10 percent to save money, conserve energy resources, and reduce pollution.

c. The department shall, with the goal of reducing costs, reduce the size of the state fleet, examine policies on when state vehicles are assigned and circumstances for when employees take state vehicles home, and consider guidelines for when to sell and purchase new vehicles. The department shall submit a report to the general assembly by January 1, 2011, concerning the department's efforts to reduce state motor vehicle fleet costs, including data on the extent of savings realized.

REVENUE BONDS CAPITALS II FUND == APPROPRIATIONS

Sec. 9. NEW SECTION. 12.88A Revenue bonds capitals II fund.

1. A revenue bonds capitals II fund is created and established as a separate and distinct fund in the state treasury. The treasurer of state shall act as custodian of the fund and disburse moneys contained in the fund.

2. Revenue for the revenue bonds capitals II fund shall include but is not limited to the following, which shall be deposited with the treasurer of state or the treasurer of state's designee as provided by any bond or security documents and credited to the fund:

a. The net proceeds of bonds issued after April 1, 2010, pursuant to section 12.87 other than bonds issued for the purpose of refunding such bonds, and investment earnings on the net proceeds.

b. Interest attributable to investment of moneys in the fund or an account of the fund.

c. Moneys in the form of a devise, gift, bequest, donation, federal or other grant, reimbursement, repayment, judgment, transfer, payment, or appropriation from any source intended to be used for the purposes of the fund.

3. Moneys in the revenue bonds capitals II fund are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

4. Annually, on or before January 15 of each year, a state agency that received an appropriation from the revenue bonds capitals II fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

Sec. 48. DEPARTMENT OF ADMINISTRATIVE SERVICES == OFFICE
SPACE REQUEST FOR PROPOSALS.

1. The department of administrative services shall issue a request for proposals concerning the availability and cost of office space for state employees in downtown Des Moines and in other areas in close proximity to the state capitol complex. The department shall consider the advantages of locating state employees and their functions near the state capitol complex.

2. In issuing the request for proposals, the department shall examine current leases for office space within the greater Des Moines area, determine the current length and duration of those leases, and consider the number of state employees impacted by those leases.

3. The request for proposals shall ensure that any office space selected shall meet all of the following criteria:

a. The building which includes the office space has skywalk access.

b. The building which includes the office space is located within reasonable proximity to the free shuttle service route that includes transportation between the capitol complex and the downtown Des Moines area.

c. The entity leasing office space provides adequate parking to employees utilizing the office space which is within reasonable proximity to the office space.

d. The office space is energy efficient.

e. The office space provides adequate space and resources needed for the employees intending to occupy the office space.

4. The department of administrative services shall issue the request for proposals by December 1, 2010, and shall submit a written report to the general assembly concerning the request for proposals by January 14, 2011.

Sec. 49. DEPARTMENT OF ADMINISTRATIVE SERVICES == OFFICE
SPACE == COST= BENEFIT ANALYSIS.

1. a. The department of administrative services shall conduct a cost=benefit analysis of utilizing existing office space for state employees in downtown Des Moines and other areas in close proximity to the state capitol complex in lieu of replacing or renovating the Wallace Building or relocating any state agencies to any space in the mercy capitol hospital building. The cost=benefit analysis shall include consideration of any cost to the applicable local jurisdiction arising from the state's utilization of existing office space.

b. The department of administrative services shall submit a written report to the general assembly on the cost=benefit analysis by January 14, 2011.

2. Prior to submitting the cost=benefit analysis report required by this section, the department of administrative services shall not relocate any state agencies to space in the Mercy capitol hospital building other than any of the following:

a. A centralized department of corrections pharmacy.

b. Offices of a state agency currently located in a state=owned office building.

c. Any state employee located in a nonleased facility or space.

d. A nonstate agency.

e. The office of the insurance division of the department of commerce.

f. The agricultural development authority established in section 175.3.

g. The department for the blind storage facility.

DIVISION IV

APPROPRIATION REDUCTIONS

Sec. 27. APPROPRIATION REDUCTIONS == REPORT.

1. The amounts appropriated from the general fund of the state to the departments and establishments of the executive branch, as defined in section 8.2, but not including appropriations to the state board of regents, for operational purposes in enactments made for the fiscal year beginning July 1, 2010, and ending June 30, 2011, are reduced by \$83,760,500. For purposes of this section, "operational purposes" means salary, support, administrative expenses, or other personnel-related costs. The reductions in appropriations required pursuant to this subsection shall be realized through the implementation of 2010 Iowa Acts, Senate File 2062, 2010 Iowa Acts, Senate File 2088, executive order number 20 issued December 16, 2009, and any other efficiency measure. The reductions to operational appropriations required by this subsection shall be applied by the department of management.

2. On or before December 1, 2010, the department of management shall submit a report to the general assembly and the legislative services agency regarding anticipated reductions in appropriations for operational purposes and anticipated reductions in full-time equivalent positions for the fiscal year beginning July 1, 2010, and ending June 30, 2011, as required by this section. In the report, all reductions shall be categorized in one of four categories. The categories shall include the implementation of 2010 Iowa Acts, Senate File 2062; the implementation of 2010 Iowa Acts, Senate File 2088, section 65; the implementation of 2010 Iowa Acts, Senate File 2088, sections 67 and 68; and the implementation of both executive order number 20 issued December 16, 2009, and any remaining provisions of 2010 Iowa Acts, Senate File 2088.

DIVISION XIV

MEDICATION THERAPY MANAGEMENT

Sec. 166. MEDICATION THERAPY MANAGEMENT == PILOT ==
REPEAL.

1. As used in this section unless the context otherwise requires:

a. "Eligible employee" means an employee of the state, with the exception of an employee of the state board of regents or institutions under the state board of regents, for whom group health plans are established pursuant to chapter 509A providing for third-party payment or prepayment for health or medical expenses.

b. "Medication therapy management" means a systematic process performed by a licensed pharmacist, designed to optimize therapeutic outcomes through improved medication use and reduced risk of adverse drug events, including all of the following services:

(1) A medication therapy review and in-person consultation relating to all medications, vitamins, and herbal supplements currently being taken by an eligible individual.

(2) A medication action plan, subject to the limitations specified in this section, communicated to the individual and the individual's primary care physician or other appropriate prescriber to address safety issues, inconsistencies, duplicative therapy, omissions, and medication costs. The medication action plan may include recommendations to the prescriber for changes in drug therapy.

(3) Documentation and follow-up to ensure consistent levels of pharmacy services and positive outcomes.

2. a. Prior to July 1, 2010, the department of administrative services shall utilize a request for proposals process to contract for the provision of medication therapy management services beginning July 1, 2010, for eligible employees who meet any of the following criteria:

(1) An individual who takes four or more prescription drugs to treat or prevent two or more chronic medical conditions.

(2) An individual with a prescription drug therapy problem who is identified by the prescribing physician or other appropriate prescriber, and referred to a pharmacist for medication therapy management services.

(3) An individual who meets other criteria established by the third-party payment provider contract, policy, or plan.

b. The department of administrative services shall utilize an advisory committee comprised of an equal number of physicians and pharmacists to provide advice and oversight regarding the request for proposals and evaluation processes. The department shall appoint the members of the advisory council based upon designees of the Iowa pharmacy association, the Iowa medical society, and the Iowa osteopathic medical association.

c. The contract shall require the company to provide annual reports to the general assembly detailing the costs, savings, estimated cost avoidance and return on investment, and patient outcomes related to the medication therapy management services provided. The company shall guarantee demonstrated annual savings, including any savings associated with cost avoidance at least equal to the program's costs with any shortfall amount refunded to the state. As a proof of concept in the program for the period beginning July 1, 2010, and ending June 30, 2011, the company shall offer a dollar-for-dollar guarantee for

drug product costs savings alone. Prior to entering into a contract with a company, the department and the company shall agree on the terms, conditions, and applicable measurement standards associated with the demonstration of savings. The department shall verify the demonstrated savings reported by the company was performed in accordance with the agreed upon measurement standards. The company shall be prohibited from using the company's employees to provide the medication therapy management services and shall instead be required to contract with licensed pharmacies, pharmacists, or physicians.

d. The fees for pharmacist=delivered medication therapy management services shall be separate from the reimbursement for prescription drug product or dispensing services; shall be determined by each third=party payment provider contract, policy, or plan; and must be reasonable based on the resources and time required to provide the service.

e. A fee shall be established for physician reimbursement for services delivered for medication therapy management as determined by each third=party payment provider contract, policy, or plan, and must be reasonable based on the resources and time required to provide the service.

f. If any part of the medication therapy management plan developed by a pharmacist incorporates services which are outside the pharmacist's independent scope of practice including the initiation of therapy, modification of dosages, therapeutic interchange, or changes in drug therapy, the express authorization of the individual's physician or other appropriate prescriber is required.

3. This section is repealed December 31, 2011.

7. DEPARTMENT OF NATURAL RESOURCES

a. For floodplain management and dam safety,
notwithstanding section 8.57, subsection 6, paragraph "c":
..... \$ 2,000,000

Of the amounts appropriated in this lettered paragraph,
up to \$400,000 is authorized for stream gages to be used
for tracking and predicting flood events and for compiling
necessary data relating to flood frequency analysis.

b. For costs associated with the construction of a permanent
structure for handicapped persons and senior citizens in a
county with a population between 37,150 and 37,250:

..... \$ 40,000

c. For costs associated with the hiring and employment of an
asset manager at Honey creek resort state park, notwithstanding
section 8.57, subsection 6, paragraph "c":
..... \$ 100,000

The department shall issue a request for proposals to
competitively procure the services of an asset manager which
shall be selected by the natural resource commission. The
asset manager shall have hospitality management experience
of at least five years including at least three years asset
management experience in a setting similar in size and quality
to the Honey creek resort state park with a similar type of
market. The duties and job responsibilities of the asset
manager shall include but are not limited to reviewing and
commenting on the resort's sales and marketing plan, providing
for the operation of the resort in a manner consistent with
the requirements and limitations set forth in the resort's
operating agreement, monitoring and supervising the resort
including site visits, and negotiating and recommending an
annual operating budget and budget plan. The asset manager
shall report to bond counsel, the governor, the Honey creek
authority, the department of natural resources, and the
legislative services agency.

Sec. 25. IOWA SMART PLANNING TASK FORCE.

1. An Iowa smart planning task force is established consisting of twenty-nine voting members and four ex officio, nonvoting members.

2. Members of the task force shall consist of all of the following:

a. Fourteen state agency director or administrator members consisting of all of the following:

(1) The director of the department on aging or the director's designee.

(2) The director of the department of economic development or the director's designee.

(3) The secretary of agriculture and land stewardship or the secretary's designee.

(4) The director of the department of cultural affairs or the director's designee.

(5) The director of the department of public health or the director's designee.

(6) The director of the department of management or the director's designee.

(7) The director of the department of natural resources or the director's designee.

(8) The director of the department of workforce development or the director's designee.

(9) The director of the office of energy independence or the director's designee.

(10) The director of the department of transportation or the director's designee.

(11) The administrator of the homeland security and emergency management division of the department of public defense or the administrator's designee.

(12) The director of the rebuild Iowa office or the director's designee.

(13) The state building code commissioner or the commissioner's designee.

(14) The chairperson of the utilities board within the utilities division of the department of commerce or the chairperson's designee.

b. Chairperson of the department of community and regional planning at Iowa state university or the chairperson's designee.

c. Director of the urban and regional planning program at the university of Iowa or the director's designee.

d. Director of the institute for decision making at the university of northern Iowa or the director's designee.

e. President of the Iowa chapter of the American planning association or the president's designee.

f. Executive director of the Iowa association of regional councils or the executive director's designee.

g. President of the Iowa chapter of the American institute of architects or the president's designee.

h. Executive director of the Iowa league of cities or the executive director's designee.

i. Executive director of the Iowa state association of counties or the executive director's designee.

j. President of the executive committee of the school administrators of Iowa or the president's designee.

k. A representative appointed by the governor from a city having a population of five thousand or less according to the 2000 certified federal census.

1. A representative appointed by the governor from a city having a population of more than five thousand and less than twenty-five thousand according to the 2000 certified federal census.

m. A representative appointed by the governor from a city having a population of twenty-five thousand or more according to the 2000 certified federal census.

n. A representative appointed by the governor from a county having a population of ten thousand or less according to the 2000 certified federal census.

o. A representative appointed by the governor from a county having a population of more than ten thousand and less than fifty thousand according to the 2000 certified federal census.

p. A representative appointed by the governor from a county having a population of fifty thousand or more according to the 2000 certified federal census.

3. The task force shall include four members of the general assembly serving as ex officio, nonvoting members, with not more than one member from each chamber being from the same political party. The two senators shall be appointed one each by the majority leader of the senate after consultation with the president of the senate, and by the minority leader of the senate. The two representatives shall be appointed one each by the speaker of the house of representatives after consultation with the majority leader of the house of representatives, and by the minority leader of the house of representatives.

4. The task force may establish committees and subcommittees comprised of members of the task force.

5. Members of the task force designated in subsection 2, paragraphs "k" through "p" shall serve at the pleasure of the governor. For the members of the task force designated in subsection 2, paragraphs "k" through "p", at least one member shall have experience in real estate, at least one member shall have experience in land development, and at least one member shall have experience in residential construction.

6. A vacancy on the task force shall be filled in the same manner as the original appointment.

7. a. A majority of the members of the task force constitutes a quorum. Any action taken by the task force must be adopted by the affirmative vote of a majority of its membership. A task force member's designee may vote on task force matters in the absence of the member.

b. The task force shall elect a chairperson and vice chairperson from the membership of the task force.

c. The task force shall meet at least four times before November 15, 2010. Meetings of the task force may be called by the chairperson or by a majority of the members. However, the first meeting of the task force shall be called by the governor.

d. Members of the task force shall not be compensated for meeting participation or reimbursed for costs associated with meeting attendance. A legislative member is not eligible for per diem and expenses as provided in section 2.10.

8. The director of the department of management, or the director's designee, shall provide staff assistance and administrative support to the task force. The task force may request information or other assistance from the Iowa association of regional councils.

9. The director of the department of management, or the director's designee, shall seek funding to support municipal

comprehensive planning in this state.

10. The task force shall comply with the requirements of chapters 21 and 22. The department of management shall be the official repository of task force records.

11. The duties of the task force shall include but are not limited to the following:

a. Consult land use experts, representatives of cities and counties, agricultural and environmental interests, urban and regional planning experts, reports or information from the local government innovation commission, and all other information deemed relevant by task force members.

b. Solicit information from the general public on matters related to comprehensive planning.

c. Evaluate state policies, programs, statutes, and rules to determine whether any state policies, programs, statutes, or rules should be revised to integrate the Iowa smart planning principles under section 18B.1.

d. Develop statewide goals for comprehensive planning that utilize the Iowa smart planning principles under section 18B.1, and develop recommendations for a process to measure progress toward achieving those goals.

e. Evaluate and develop incentives to conduct local and regional comprehensive planning, including but not limited to state financial and technical assistance.

f. Develop a model for regional comprehensive planning within the state and recommend partnerships between state agencies, local governments, educational institutions, and research facilities.

g. Review municipal comprehensive plans to determine the number of such plans that address the hazards identified in section 18B.2, subsection 2, paragraph "k", and the adequacy of such plans in addressing those hazards.

h. Develop a set of recommendations that is consistent with the Iowa smart planning principles under section 18B.1 and that does all of the following:

(1) Coordinates, facilitates, and centralizes the exchange of information related to state and local planning, zoning, and development between state agencies and the general assembly.

(2) Coordinates discussions concerning a proposed geographic information system between the producers and the users of such systems.

(3) Allows the efficient production and dissemination of population and other demographic statistical forecasts.

(4) Creates a centralized electronic storage location for all comprehensive plans adopted under chapter 335 or chapter 414.

(5) Facilitates the cooperation of state and local governments with comprehensive planning, educational, and research programs.

(6) Provides and administers technical and financial assistance for state and local comprehensive planning.

(7) Provides information to local governments relating to state and federal resources and other resources for comprehensive planning.

12. The task force shall prepare a report that includes goals, recommendations, and other information described in subsection 11, to the governor and the general assembly on or before November 15, 2010.

13. The task force is dissolved on December 31, 2012.

Section 1. NEW SECTION. 466B.10 Watershed planning advisory council.

1. A watershed planning advisory council is established for purposes of assembling a diverse group of stakeholders to review research and make recommendations to various state entities regarding methods to protect water resources in the state, assure an adequate supply of water, mitigate and prevent floods, and coordinate the management of those resources in a sustainable, fiscally responsible, and environmentally responsible manner. The advisory council may seek input from councils of governments or other organizations in the development of its recommendations. The advisory council shall meet once a year and at other times as deemed necessary to meet the requirements of this section. The advisory council may appoint a task force to assist the advisory council in completing its duties.

2. The watershed planning advisory council shall consist of all of the following members:

a. The voting members of the advisory council shall include all of the following:

(1) One member selected by the Iowa association of municipal utilities.

(2) One member selected by the Iowa league of cities.

(3) One member selected by the Iowa association of business and industry.

(4) One member selected by the Iowa water pollution control association.

(5) One member selected by the Iowa rural water association.

(6) One member selected by growing green communities.

(7) One member selected by the Iowa environmental council.

(8) One member selected by the Iowa farm bureau federation.

(9) One member selected by the Iowa corn growers association.

(10) One member selected by the Iowa soybean association.

(11) One member selected by the Iowa pork producers council.

(12) One member selected by the soil and water conservation districts of Iowa.

(13) One person representing the department of agriculture and land stewardship selected by the secretary of agriculture.

(14) One person representing the department of natural resources selected by the director.

(15) Two members selected by the Iowa conservation alliance.

(16) One member selected by the Iowa drainage district association.

b. The nonvoting members of the advisory council shall include all of the following:

(1) Two members of the senate. One senator shall be appointed by the majority leader of the senate and one senator shall be appointed by the minority leader of the senate.

(2) Two members of the house of representatives. One member shall be appointed by the speaker of the house of representatives and one member shall be appointed by the minority leader of the house of representatives.

3. By December 1 of each year, the watershed planning advisory council shall submit a report to the governor, the general assembly, the department of agriculture and land stewardship, the department of natural resources, and the water resources coordinating council. The report shall include recommendations regarding all of the following:

- a. Improving water quality and optimizing the costs of voluntarily achieving and maintaining water quality standards.
 - b. Creating economic incentives for voluntary nonpoint source load reductions, point source discharge reductions beyond those required by the federal Water Pollution Control Act, implementation of pollution prevention programs, wetland restoration and creation, and the development of emerging pollution control technologies.
 - c. Facilitating the implementation of total maximum daily loads, urban storm water control programs, and nonpoint source management practices required or authorized under the federal Water Pollution Control Act. This paragraph shall not be construed to obviate the requirement to develop a total maximum daily load for waters that do not meet water quality standards as required by section 303(d) of the federal Water Pollution Control Act or to delay implementation of a total maximum daily load that has been approved by the department and the director.
 - d. Providing incentives, methods, and practices for the development of new and more accurate and reliable pollution control quantification protocols and procedures, including but not limited to development of policy based on information and data that is publicly available and that can be verified and evaluated.
 - e. Providing greater flexibility for broader public involvement through community-based, nonregulatory, and performance-driven watershed management planning.
 - f. Assigning responsibility for monitoring flood risk, flood mitigation, and coordination with federal agencies.
 - g. Involving cities, counties, and other local and regional public and private entities in watershed improvement including but not limited to incentives for participation in a watershed management authority created under this chapter.
4. Each year, the voting members of the advisory council shall designate one voting member as chairperson.

Sec. 12. INTERIM STUDY OF PUBLIC LAND UNDER THE CONTROL OF THE DEPARTMENT OF NATURAL RESOURCES WHICH MAY BE USED FOR PUBLIC HUNTING. The department of natural resources shall conduct an interim study of public land under its control which may be used for public hunting. The department shall authorize public hunting on public land for which the department determines such activity is beneficial. The department shall report the results of the interim study to the governor and general assembly by January 10, 2011.

Sec. 2. BUSINESS DISASTER CASE MANAGEMENT TASK FORCE.

1. A business disaster case management task force is established to research disaster recovery case management assistance needed for businesses following a major disaster. The task force shall recommend steps for preparing to provide such assistance following disasters.

2. The task force shall consult with experts, businesses impacted by previous disasters, and other interested stakeholders.

3. The task force shall submit written recommendations to the governor and the general assembly by November 15, 2010.

4. The rebuild Iowa office shall provide staffing for the task force.

5. The task force shall consist of the following members appointed by the governor:

a. A representative of the United States small business administration.

b. A representative of Iowa small business development centers.

c. A representative of the safeguard Iowa partnership.

d. A representative of professional developers of Iowa.

e. A representative of the Iowa association of business and industry.

f. A representative of the Iowa retail federation.

g. A representative of the department of economic development.

h. A representative of the homeland security and emergency management division of the department of public defense.

i. Two business owners.

j. A representative of the Iowa association of regional councils.

k. A representative of the Iowa emergency management association.

6. Four ex officio, nonvoting members, two from each chamber of the general assembly, shall be appointed, with no more than one appointed from the same political party from each chamber. The majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives shall each appoint one legislative member. The members appointed under this subsection shall not be eligible for per diem and expenses as provided in section 2.10.

7. Members of the task force shall not receive a per diem, shall not be reimbursed for actual and necessary expenses while

in attendance at any meeting, and shall not be reimbursed for travel expenses.

8. The task force may conduct meetings telephonically.

Sec. 280. NEW SECTION. 256I.3 Early childhood Iowa state board created.

1. The early childhood Iowa state board is created to promote a vision for a comprehensive early care, education, health, and human services system in this state. The board shall oversee state and local efforts. The vision shall be achieved through strategic planning, funding identification, guidance, and decision-making authority to assure collaboration among state and local early care, education, health, and human services systems.

2. a. The board shall consist of twenty-one voting members with fifteen citizen members and six state agency members. The six state agency members shall be the directors or their designees of the following departments: economic development, education, human rights, human services, public health, and workforce development. The designees of state agency directors shall be selected on an annual basis. The citizen members shall be appointed by the governor, subject to confirmation by the senate. The governor's appointments of citizen members shall be made in a manner so that each of the state's congressional districts is represented by at least two citizen members and so that all the appointments as a whole reflect the ethnic, cultural, social, and economic diversity of the state. A member of the state board shall not be a provider of services or other entity receiving funding through the early childhood Iowa initiative or be employed by such a provider or other entity.

b. The governor's appointees shall be selected from individuals nominated by area boards. The nominations shall reflect the range of interests represented on the area boards so that the governor is able to appoint one or more members each for early care, education, health, human services, business, faith, and public interests. At least one of the citizen members shall be a service consumer or the parent of a service consumer. The term of office of the citizen members is three years. A citizen member vacancy on the board shall be filled in the same manner as the original appointment for the balance of the unexpired term.

3. Citizen members shall be reimbursed for actual and necessary expenses incurred in performance of their duties. Citizen members shall be paid a per diem as specified in section 7E.6.

4. In addition to the voting members, the state board shall include four members of the general assembly with not more than one member from each chamber being from the same political party. The two senators shall be appointed one each by the majority leader of the senate and by the minority leader of the senate. The two representatives shall be appointed one each by the speaker of the house of representatives and by the minority leader of the house of representatives. Legislative members shall serve in an ex officio, nonvoting capacity. A legislative member is eligible for per diem and expenses as provided in section 2.10.

5. The state board shall elect a chairperson from among the citizen members and may select other officers from the voting members as determined to be necessary by the board. The board shall meet regularly as determined by the board, upon the call of the board's chairperson, or upon the call of a majority of voting members. The board shall meet at least quarterly.

Sec. 310. TRANSITION.

1. The initial membership of the early childhood Iowa state board shall be composed of the membership of the Iowa empowerment board.

2. Effective on or after July 1, 2011, as determined by the early childhood Iowa state board created pursuant to this division of this Act, the designations granted by the Iowa empowerment board to community empowerment areas and community empowerment area boards under chapter 28, Code 2009, are withdrawn. However, subject to the approval of the early childhood Iowa state board in accordance with the area board designation criteria established by this division of this Act, all or a portion of the membership of a community empowerment area board may be redesignated to serve as the membership of the initial early childhood Iowa area board for the relevant early childhood Iowa area to be served. Subject to rules to be adopted by the state board addressing redesignation of community empowerment areas as early childhood Iowa areas, existing multicounty community empowerment area boards may choose to be redefined as early childhood Iowa area boards.

3. Until the early childhood Iowa state board has adopted administrative rules to implement the provisions of chapter 256I, as enacted by this division of this Act, the department of management shall apply the relevant rules adopted to implement the community empowerment initiative under chapter 28, Code 2009. The state board shall also adopt rules addressing transition of contracts entered into by community empowerment area boards that include provisions in effect on or after July 1, 2012.

4. The department of management and the early childhood Iowa board shall implement requirements for school ready children grant funds or other state, federal, or other funds in possession of a community empowerment area remaining unobligated or unexpended to be remitted to the successor early childhood Iowa area board designated to serve that area. The requirements shall include measures to ensure there is continuity of services in the transition from the community empowerment initiative to the early childhood Iowa initiative.

Sec. 9. COMMUNITY COLLEGE EFFICIENCIES INITIATIVES AND FUNDING REDUCTION REPORT. The board of directors of each community college shall submit to the department of education on or before October 1, 2010, a report which provides details on any initiatives implemented by the community college to create greater efficiency within the community college during the 2009=2010 fiscal year, and details on the methods by which the community college implemented budget reductions ordered by the governor pursuant to executive order number 19 issued October 8, 2009. The department shall compile and summarize the reports in a report that shall be submitted to the state board of education and the general assembly on or before December 15, 2010.

Sec. 12. STATE BOARD OF REGENTS EFFICIENCIES INITIATIVES AND FUNDING REDUCTION REPORT. The state board of regents shall submit to the general assembly on or before December 15, 2010, a report which provides details on any initiatives implemented by a regents institution to create greater efficiency within the regents institution during the 2009=2010 fiscal year, and details on the methods by which the regents institutions implemented budget reductions ordered by the governor pursuant to executive order number 19 issued October 8, 2009.

Sec. 68. NEW SECTION. 262.9C Span of control policy.

1. The state board of regents shall develop and maintain a policy regarding the aggregate ratio of the number of employees per supervisory employee at each of the institutions under the control of the board subject to the requirements of this section.

2. The target span of control aggregate ratio of supervisory employees to other employees shall be one to fifteen. The target span of control ratio shall not apply to employees involved with direct patient care, faculty, and employees in other areas of the institutions that must maintain different span of control ratios due to federal or state regulations.

3. For the purposes of this section, "supervisory employee" means a public employee who is not a member of a collective bargaining unit and who has authority, in the interest of a public employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees, to direct such public employees, or to adjust the grievances of such public employees, or to effectively recommend any such action.

4. The policy shall allow departments within an institution under the control of the state board of regents with twenty-eight or fewer full-time equivalent employee positions to be granted an exception to the policy by the board. Departments applying for an exception shall file a statement of need with the applicable institutional human resources office and the office shall make a recommendation to the state board of regents.

5. The state board of regents shall present an interim report to the governor and general assembly on or before April 1, 2010, with annual updates detailing the effects of the policy on the composition of the workforce, cost savings, efficiencies, and outcomes. In addition, the report and annual updates shall identify those departments within each institution under the control of the board granted an exception by the board to the policy as provided in this section.

Sec. 81. STATE BOARD OF REGENTS == REAL ESTATE AUDIT. The state board of regents shall complete an inventory of real estate property owned or leased by the state board of regents and institutions under the control of the state board of regents, including information regarding the current and intended use of the property. The board shall submit a report to the general assembly and governor by January 1, 2011, detailing the real estate property owned or leased by the state board of regents and institutions under the control of the state board of regents.

Sec. 311. DEPARTMENT OF EDUCATION == COMMUNITY COLLEGE
ACCREDITATION RECOMMENDATIONS IMPLEMENTATION REVIEW. The
department of education shall review and evaluate the
implementation of the recommendations submitted on January 22,
2010, by the community college accreditation advisory committee
in its final report to the general assembly. The department
shall submit its findings and recommendations to the general
assembly on or before December 31, 2010.

Sec. 312. DEPARTMENT OF EDUCATION == COMMUNITY COLLEGE
ACCREDITATION ADVISORY COMMITTEE == INSTRUCTIONAL HOURS
STUDY. The department of education shall convene a working
group, whose members shall include at a minimum the members
of the community college accreditation advisory committee and
the community college faculty advisory committee. The working
group shall solicit comments from each of the community college
quality faculty committees. The working group shall study
the maximum academic credit hour per school term workload
appropriate for an instructor beyond the standard workload.
The working group shall submit its findings and recommendations
to the state board of education and the general assembly on or
before December 31, 2010.

Sec. 7. LIBRARY SERVICE AREA GEOGRAPHIC REGIONS FOR FY
2010=2011 == OPERATIONS STUDY.

1. Notwithstanding section 256.61, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the library service areas shall serve and represent six geographic regions by combining at least two of seven library service areas existing in fiscal year 2009=2010, including their staff and boards of trustees.

2. Moneys appropriated to the department of education for state aid for the library service area system pursuant to section 6, subsection 5, of this Act shall be equally divided and allocated to the six library services areas.

3. a. The library services areas and the state library shall work collaboratively to conduct a study of ways to streamline state-funded library operations and services. The study shall, at a minimum, address the following:

- (1) Library service area service delivery strengths.
- (2) Best practices for delivering continuing education.
- (3) The use of social networking tools to provide consulting services.
- (4) Consolidation of bookkeeping and auditing functions.
- (5) Locally based creative collaborations among all types of libraries.

b. The library service areas shall collaboratively submit their findings and recommendations in a report to the general assembly on or before November 1, 2010.

Sec. 9. FEDERAL RECOVERY AND REINVESTMENT FUND ==
ADDITIONAL FUNDING FOR FISCAL YEAR 2010=2011.

1. In lieu of 2010 Iowa Acts, House File 2519, section 19, if additional funding designated for education stabilization is made available for the fiscal year beginning July 1, 2010, through the state fiscal stabilization fund established pursuant to the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111=5, such funding shall be credited to the federal recovery and reinvestment fund created in section 8.41A and is appropriated for the fiscal year beginning July 1, 2010, and ending June 30, 2011, to the departments and agencies that received the funding designated for education stabilization in 2009 Iowa Acts, chapter 183, section 61, subsection 1.

2. a. Except as otherwise provided in paragraph "b", the amounts of the individual appropriations made in subsection 1 shall be in the same proportion as the individual appropriations in 2009 Iowa Acts, chapter 183, section 61, subsection 1, bear to the total amount appropriated in that provision.

b. (1) The amount appropriated pursuant to subsection 1 for state foundation aid to schools shall not exceed the difference between the amount determined for the standing appropriation for state foundation aid for the fiscal year pursuant to section 257.16, subsection 1, and the amount the standing appropriation was limited to pursuant to this division of this Act.

(2) The amount appropriated for the fiscal year pursuant to subsection 1 for instructional support state aid under section 257.20 shall not exceed \$5,609,950, shall be in addition to the appropriation made in this division of this Act for the same purpose from the school infrastructure fund, and shall be allocated as provided in the school infrastructure fund appropriation.

3. a. Except as provided in subsection 2 for instructional support state aid, the distribution of each appropriation made pursuant to subsection 1 to subunits of the departments and agencies shall also be in the same proportion as the distribution to subunits of the individual appropriations in 2009 Iowa Acts, chapter 183, section 61, subsection 1. However, state foundation aid to school districts shall be distributed based on 2010 Iowa Acts, House File 2519, section 20, subsection 1.

b. If good cause exists, as determined by the departments of education and management, in coordination with the office of the governor, adjustments may be made to distribution proportions to the subunits other than as provided in paragraph "a".

4. The department of management shall report to the chairpersons and ranking members of the appropriations committees of the senate and house of representatives and the legislative services agency concerning any appropriations and distributions made pursuant to this section, within two weeks of such appropriations and distributions being made.

Sec. 97. BRAILLE AND SIGHT SAVING SCHOOL STUDY.

1. The state board of regents shall conduct a study to examine possible changes to and make recommendations regarding the current structure for providing residential services on the campus of the Iowa braille and sight saving school and to make recommendations regarding appropriate facilities and facility utilization. The study shall also examine potential partnerships with other state agencies as well as private providers of residential services.

2. For purposes of conducting the study, the state board of regents shall form a committee with representatives of all of the following:

- a. Parents of students who are blind or visually impaired.
- b. Constituent organizations for the blind or visually impaired.
- c. The department of education.
- d. The department for the blind.
- e. The department of human services.
- f. Area education agencies.
- g. School boards and school board administrators.
- h. The governor's developmental disabilities council.
- i. Administration of the statewide system for vision services.
- j. Administration of the Iowa school for the deaf.

3. By August 31, 2010, the state board of regents shall submit a report of the study to the legislative council.

Sec. 118. Section 256.9, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 18A. The department shall compile the financial information related to chapters 423E and 423F from the certified annual reports of each school district received pursuant to section 291.10, subsection 2, and shall submit the information to the general assembly in an annual report each February 1.

Sec. 106. Section 469.9, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. a. During the period of funding for the Iowa power fund as provided in section 469.10, the office of energy independence shall collect data on all grants and loans approved for funding. The department of management and the state agencies associated with the grants and loans shall assist the office with the data collection and in developing the report required by this subsection. The office shall report quarterly to the governor and the general assembly concerning the data.

b. The report shall include but is not limited to all of the following:

- (1) The nature of each grant or loan and its purpose.
- (2) The status of each grant or loan and the amount and percentage of power fund moneys expended for the grant or loan.
- (3) The outside funding that is matched or leveraged by power fund moneys.
- (4) The number of jobs created or retained due to each grant or loan.
- (5) For each grant or loan, the names of the grant or loan contractors, their state of residence, and the state of residence of the contractors' employees.

c. The office shall maintain an internet site that allows citizens to track data on a county=by=county basis.

DIVISION LIII

BOARDS AND COMMISSIONS == ESTABLISHMENT CRITERIA

Sec. 421. NEW SECTION. 69.16D Boards and commissions == criteria for establishing.

1. Prior to establishing a new appointive board, commission, committee, or council of the state, the general assembly shall consider all of the following:

a. Whether there is an existing board or commission that would be able to perform the duties of the new board, commission, committee, or council.

b. The estimated annual cost of the new board, commission, committee, or council, including any additional personnel costs arising out of the creation of the new board, commission, committee, or council.

c. Whether a repeal date is needed for the new board, commission, committee, or council. Whenever possible, an appropriate repeal date should be included.

2. This section shall apply to appointive boards, commissions, committees, and councils of the state established by the Code on or after July 1, 2010.

DIVISION XL

CONSOLIDATION OF ADVISORY
BODIES == COUNCIL ON HUMAN SERVICES

Sec. 391. NEW SECTION. 217.3A Advisory committees.

1. General. The council on human services shall establish and utilize the advisory committees identified in this section and may establish and utilize other advisory committees. The council shall establish appointment provisions, membership terms, operating guidelines, and other operational requirements for committees established pursuant to this section.

2. Child abuse prevention. The council shall establish a child abuse prevention program advisory committee to support the child abuse prevention program implemented in accordance with section 235A.1. The duties of the advisory committee shall include all of the following:

a. Advise the director of human services and the administrator of the division of the department of human services responsible for child and family programs regarding expenditures of funds received for the child abuse prevention program.

b. Review the implementation and effectiveness of legislation and administrative rules concerning the child abuse prevention program.

c. Recommend changes in legislation and administrative rules to the general assembly and the appropriate administrative officials.

d. Require reports from state agencies and other entities as necessary to perform its duties.

e. Receive and review complaints from the public concerning the operation and management of the child abuse prevention program.

f. Approve grant proposals.

3. a. The council shall establish a child support advisory committee.

(1) Members of the advisory committee shall include at least one district judge and representatives of custodial parent groups, noncustodial parent groups, the general assembly, the office of citizens' aide, the Iowa state bar association, the Iowa county attorneys association, and other constituencies which have an interest in child support enforcement issues, appointed by the respective entity.

(2) The legislative members of the advisory committee shall be appointed as follows: one senator each by the majority leader of the senate, after consultation with the president of the senate, and by the minority leader of the senate, and one member of the house of representatives each by the speaker of the house of representatives, after consultation with the majority leader of the house of representatives, and by the minority leader of the house of representatives.

b. The legislative members of the advisory committee shall serve for terms as provided in section 69.16B. Appointments shall comply with sections 69.16 and 69.16A. Vacancies shall be filled by the original appointing authority and in the manner of the original appointments.

c. The child support advisory committee shall assist the department in all of the following activities:

(1) Review of existing child support guidelines and recommendations for revision.

(2) Examination of the operation of the child support system to identify program improvements or enhancements which would

increase the effectiveness of securing parental support and parental involvement.

(3) Recommendation of legislation which would clarify and improve state law regarding support for children.

d. The committee shall receive input from the public regarding any child support issues.

4. Child welfare.

a. The council shall establish a child welfare advisory committee to advise the department of human services on programmatic and budgetary matters related to the provision or purchase of child welfare services. The committee shall meet to review departmental budgets, policies, and programs, and proposed budgets, policies, and programs, and to make recommendations and suggestions to make the state child welfare budget, programs, and policies more effective in serving families and children.

b. The membership of the advisory committee shall include representatives of child welfare service providers, juvenile court services, the Iowa foster and adoptive parent association, the child advocacy board, the coalition for family and children's services in Iowa, children's advocates, service consumers, and others who have training or knowledge related to child welfare services. In addition, four members shall be legislators, all serving as ex officio, nonvoting members, with one each appointed by the speaker of the house of representatives, the minority leader of the house of representatives, the majority leader of the senate, and the minority leader of the senate. The director of human services and the administrator of the division of the department of human services responsible for child welfare services, or their designees, shall also be ex officio, nonvoting members, and shall serve as resource persons to the advisory committee.

Sec. 392. Section 235A.1, subsections 3 and 4, Code Supplement 2009, are amended by striking the subsections.

Sec. 393. REPEAL. Sections 234.3 and 252B.18, Code 2009, are repealed.

Sec. 394. IMPLEMENTATION. In establishing the child abuse prevention program, child support, and child welfare advisory committees and appointing members, the council on human services shall consider reappointing those individuals who were serving as members of the child abuse prevention advisory council, the child support advisory committee, and the child welfare advisory committee as of June 30, 2009.

3. Iowa insurance information exchange established. An Iowa insurance information exchange is established in the insurance division of the department of commerce under the authority of the commissioner of insurance.

a. The commissioner, in collaboration with the legislative health care coverage commission, shall develop a plan of operation for the exchange within one hundred eighty days from the effective date of this section. The plan shall create an information clearinghouse that provides resources where Iowans can obtain information about health care coverage that is available in the state.

b. The commissioner shall keep records of all financial transactions related to the establishment and operation of the exchange and shall deliver an annual fiscal report of the costs of administering the exchange to the general assembly by December 15 of each year.

4. Powers and duties of exchange.

a. The commissioner shall report on the status of the exchange at all regular meetings of the legislative health care coverage commission, including progress in developing and implementing the exchange operationally, resources available through the exchange, information about utilization of the resources offered by the exchange, including demographic information that illustrates how and by whom the exchange is being utilized, and the costs of implementing and operating the exchange. The commissioner may make recommendations to the commission for including but not limited to the following:

(1) Promotion of greater transparency in providing quality data on health care providers and health care coverage plans and in providing data on the cost of medical care that is easily accessible to the public.

(2) Statutory options that improve seamlessness in the health care system in this state.

(3) Funding opportunities to increase health care coverage in the state, particularly for individuals who have been denied access to health insurance coverage.

h. (1) Of the funds appropriated in this subsection, \$180,000 shall be used for continued implementation of the recommendations of the direct care worker task force established pursuant to 2005 Iowa Acts, chapter 88, based upon the report submitted to the governor and the general assembly in December 2006. The department may use a portion of the funds allocated in this paragraph for an additional position to assist in the continued implementation.

(2) It is the intent of the general assembly that a board of direct care workers shall be established within the department of public health by July 1, 2014, contingent upon the availability of funds to establish and maintain the board.

(3) The direct care worker advisory council shall submit an interim progress report no later than March 1, 2011, and a final report no later than March 1, 2012, to the governor and the general assembly, that includes but is not limited to all of the following:

(a) Documenting the size of the direct care workforce. The report shall provide the best estimates of the size of the direct care workforce in Iowa by identifying what workforce data is currently being collected, who is currently collecting the data, the gaps in existing data, and the collection methods necessary to address such gaps.

(b) Identifying the information management system required to facilitate credentialing of direct care workers and estimating the costs of development and maintenance of the system.

(c) Reporting the results of any pilot relating to and evaluating the recommendations of the advisory council that address direct care worker training and curricula.

(d) Describing activities relating to developing and delivering an education and outreach campaign to direct care workers and other stakeholders regarding strategies to increase the professionalism of the direct care workforce. The goals of such education and outreach campaign are to bring greater stability to the workforce and meet the needs of direct care workers that exist due to the growth in Iowa's aging and persons with disabilities populations.

(e) Making recommendations regarding the functions and composition of the board of direct care workers, the definitions of and categories for credentialing direct care workers, for deeming the experience level of members of the existing workforce to be the equivalent of other credentials, the form of credentialing to be used, the timeframe for credentialing of direct care workers, and the estimated costs of establishing and maintaining board operations and the methods to be used to fund and sustain such operations.

(4) The department of public health shall report to the persons designated in this Act for submission of reports regarding use of the funds allocated in this lettered paragraph, on or before January 15, 2011.

PATIENT DECISION

MAKING == PILOT PROJECT

Sec. 58. 2008 Iowa Acts, chapter 1188, section 36, subsections 1 and 2, are amended to read as follows:

1. The department of public health shall establish a ~~two-year~~ community coalition for patient treatment wishes across the health care continuum pilot project, beginning July 1, 2008, and ending June 30, ~~2010~~ 2012, in a county with a population of between ~~fifty one hundred seventy-five thousand and one two hundred twenty-five thousand~~ and in one contiguous rural county. The pilot project shall utilize the process based upon the national physicians orders for life sustaining treatment program initiative, including use of a standardized physician order for scope of treatment form. The process shall require validation of the physician order for scope of treatment form by the signature of an individual other than the patient or the patient's legal representative who is not an employee of the patient's physician. The pilot project may include applicability to chronically ill, frail, and elderly or terminally ill individuals in hospitals licensed pursuant to chapter 135B, nursing facilities or residential care facilities licensed pursuant to chapter 135C, or hospice programs as defined in section 135J.1.

2. The department of public health shall convene an advisory council, consisting of representatives of entities with interest in the pilot project, including but not limited to the Iowa hospital association, the Iowa medical society, organizations representing health care facilities, representatives of health care providers, and the Iowa trial lawyers association, to develop recommendations for expanding the pilot project statewide. The advisory council shall report its findings and recommendations, including recommendations for legislation, to the governor and the general assembly by January 1, ~~2010~~ 2012.

b. The child welfare advisory committee created by the council on human services pursuant to section 217.3A, if enacted by 2010 Iowa Acts, Senate File 2088, section 391, or other appropriate existing body, shall develop recommendations to identify the appropriate capacity for child welfare emergency services for implementation during the fiscal year beginning July 1, 2011. The data being collected regarding child welfare emergency services shall be utilized in developing the recommendations. The recommendations shall be submitted on or before December 15, 2010, to the department and the persons designated by this Act to receive reports.

7. The governor's developmental disabilities council is requested to facilitate a workgroup of stakeholders to review the status of residential care facilities in the state and the services provided. The membership of the workgroup may include but is not limited to representatives of county central point of coordination administrators, the departments of aging, human services, and inspections and appeals, the office of the citizens' aide and other legislative agencies, and the judicial branch. The issues considered by the workgroup may include identifying the characteristics of clients served such as age, disability, reason for admission and level of care provided; the reasons why such facilities have been closing or downsizing and where clients were placed; the types and usage of alternatives to the facilities; the types of services provided to clients such as Medicaid waiver, rehabilitation, mental health, and aging services; workforce employed by the facilities; client access to health care; financing; and practices used for court-ordered placements. The workgroup shall report, providing findings and recommendations, to the governor and persons designated by this Act for submission of reports on or before December 15, 2010.

Sec. 31. CHILDREN'S MENTAL HEALTH AND CHILD WELFARE SERVICES.

1. It is the intent of the general assembly to improve coordination and integration of mental health services and outcomes for children, as well as alignment of the services and outcomes with the child welfare system. The department of human services, in collaboration with providers, shall develop a plan for transitioning administration of the remedial services program from fee=for=service approach to the Iowa plan, behavioral health managed care plan. The transition plan shall address specific strategies for improving service coordination for children and adults; establish vendor performance standards; provide a process for ongoing monitoring of quality of care, performance, and quality improvement technical assistance for providers; identify methods and standards for credentialing remedial providers; and provide implementation timeframes.

2. The department shall establish a transition committee that includes representatives from departmental staff for Medicaid, child welfare, field, and mental health services, the director of the Iowa plan, a representative of an organization providing remedial services that is also licensed as a community mental health center for children and as a psychiatric medical institution for children, the executive director of the coalition of family and children's services in Iowa, three remedial services providers designated by the executive director of the coalition, and a remedial services provider who is not a member of the provider organization. The committee shall develop the plan and manage the transition, if the plan is implemented. The plan shall be developed by December 31, 2010. The department may proceed with implementing the plan over the six month period following December 31, 2010, if the department determines that the plan meets the legislative intent identified in subsection 1.

MH/MR/DD SERVICES ALLOWED GROWTH FUNDING == FY 2011=2012

Section 1. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING ==

FY 2011=2012. Notwithstanding section 331.439, subsection 3, the allowed growth factor adjustment for county mental health, mental retardation, and developmental disabilities service expenditures for the fiscal year beginning July 1, 2011, shall be established by statute which shall be enacted within thirty calendar days of the convening of the

Eighty-fourth General Assembly, 2011 Session, on January 10, 2011. The governor shall submit to the general assembly a recommendation for such allowed growth factor adjustment and the amounts of related appropriations to the general assembly on or before January 11, 2011.

DIVISION XIX

HEALTH CARE PROGRAMS AND APPROPRIATIONS

Sec. 201. Section 249J.7, Code 2009, is amended to read as follows:

249J.7 Expansion population provider network.

1. a. Expansion population members shall only be eligible to receive expansion population services through a provider included in the expansion population provider network. Except as otherwise provided in this chapter, the expansion population provider network shall be limited to a publicly owned acute care teaching hospital located in a county with a population over three hundred fifty thousand, the university of Iowa hospitals and clinics, ~~and the state hospitals for persons with mental illness designated pursuant to section 226.1 with the exception of the programs at such state hospitals for persons with mental illness that provide substance abuse treatment, serve geropsychiatric patients, or treat sexually violent predators~~ and a regional provider network utilizing the federally qualified health centers or federally qualified health center look-alikes in the state, to provide primary care to members.

b. (1) The department shall develop a plan to phase-in the regional provider network by determining the most highly underserved areas on a statewide and regional basis, and targeting these areas for prioritization in implementing the regional provider network. In developing the phase-in plan the department shall consult with the medical assistance projections and assessment council created in section 249J.20. Any plan developed shall be approved by the council prior to implementation. The phase-in of the regional provider network shall be implemented in a manner that ensures that program expenditures do not exceed budget neutrality limits and funded program capacity, and that ensures compliance with the eligibility maintenance of effort requirements of the federal American Recovery and Reinvestment Act of 2009.

Sec. 152. Section 216A.132, Code 2009, is amended to read as follows:

216A.132 Council established == terms == compensation.

1. A criminal and juvenile justice planning advisory council is established consisting of twenty=three members.

a. The governor shall appoint seven members each for a four=year term beginning and ending as provided in section 69.19 and subject to confirmation by the senate as follows:

(1) Three persons, each of whom is a county supervisor, county sheriff, mayor, ~~city chief of police, or county attorney nonsupervisory police officer, or a chief of police of a department with less than eleven police officers.~~

~~(2) Two persons who represent the general public and are not employed in any law enforcement, judicial, or corrections capacity.~~

~~(3)~~ (2) Two persons who are knowledgeable about Iowa's juvenile justice system.

(3) One person who represents the general public and is not employed in any law enforcement, judicial, or corrections capacity.

(4) One person who is either a crime victim, or who represents a crime victim organization.

b. The departments of human services, corrections, and public safety, the division on the status of African=Americans, the ~~Iowa~~ department of public health, the chairperson of the board of parole, the attorney general, the state public defender, and the governor's office of drug control policy, ~~and the chief justice of the supreme court~~ shall each designate a person to serve on the council. ~~The person appointed by the Iowa department of public health shall be from the departmental staff who administer the comprehensive substance abuse program under chapter 125.~~

c. The chief justice of the supreme court shall ~~appoint two additional members currently serving as district judges~~ designate one member who is a district judge and one member who is either a district associate judge or associate juvenile judge. ~~Two members of the senate and two members of the house of representatives shall be ex officio members and shall be appointed by the majority and minority leaders of the senate and the speaker and minority leader of the house of representatives pursuant to section 69.16 and shall serve terms as provided in section 69.16B.~~ The chairperson and ranking member of the senate committee on judiciary shall be members. In alternating four=year intervals, the chairperson and ranking member of the house committee on judiciary or of the house committee on public safety shall be members, with the chairperson and ranking member of the house committee on public safety serving during the initial interval. Nonlegislative members appointed pursuant to this paragraph shall serve for four=year terms beginning and ending as provided in section 69.19 unless the member ceases to serve as a district court judge.

d. The Iowa county attorneys association shall designate a person to serve on the council.

2. Members of the council shall receive reimbursement from the state for actual and necessary expenses incurred in the performance of their official duties. Members may also be eligible to receive compensation as provided in section 7E.6.

Sec. 155. NEW SECTION. 216A.133A Public safety advisory board == duties.

1. A public safety advisory board is established whose membership shall be determined by the criminal and juvenile justice planning advisory council and shall consist of current members of the council. Any actions taken by the board shall be considered separate and distinct from the council.

2. The purpose of the board is to provide the general assembly with an analysis of current and proposed criminal code provisions.

3. The duties of the board shall consist of the following:

a. Reviewing and making recommendations relating to current sentencing provisions. In reviewing such provisions the board shall consider the impact on all of the following:

- (1) Potential disparity in sentencing.
- (2) Truth in sentencing.
- (3) Victims.
- (4) The proportionality of specific sentences.
- (5) Sentencing procedures.

(6) Costs associated with the implementation of criminal code provisions, including costs to the judicial branch, department of corrections, and judicial district departments of correctional services, costs for representing indigent defendants, and costs incurred by political subdivisions of the state.

(7) Best practices related to the department of corrections including recidivism rates, safety and efficient use of correctional staff, and compliance with correctional standards set by the federal government and other jurisdictions.

(8) Best practices related to the Iowa child death review team established in section 135.43 and the Iowa domestic abuse death review team established in section 135.109.

b. Reviewing and making recommendations relating to proposed legislation, in accordance with paragraph "a", as set by rule by the general assembly or as requested by the executive or judicial branch proposing such legislation.

c. Providing expertise and advice to the legislative services agency, the department of corrections, the judicial branch, and others charged with formulating fiscal, correctional, or minority impact statements.

d. Reviewing data supplied by the division, the department of management, the legislative services agency, the Iowa supreme court, and other departments or agencies for the purpose of determining the effectiveness and efficiency of the collection of such data.

4. The board may call upon any department, agency, or office of the state, or any political subdivision of the state, for information or assistance as needed in the performance of its duties. The information or assistance shall be furnished to the extent that it is within the resources and authority of the department, agency, office, or political subdivision. This section does not require the production or opening of any records which are required by law to be kept private or confidential.

5. The board shall report to the legislative government oversight committee all sources of funding by December 1 of each year.

6. Membership on the board shall be bipartisan as provided in section 69.16 and gender balanced as provided in section 69.16A.

7. Meetings of the board shall be open to the public as provided in chapter 21.

8. Members of the board shall receive reimbursement from the state for actual and necessary expenses incurred in the performance of their official duties. Members may also be eligible to receive compensation as provided in section 7E.6.

CHAPTER 77

SALES AND USE TAX — INDUSTRIAL PROCESSING EXEMPTION STUDY

H.F. 313

AN ACT relating to the establishment of an industrial processing exemption study committee and including an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. INDUSTRIAL PROCESSING EXEMPTION STUDY COMMITTEE. Upon enactment of this Act, the department of revenue shall initiate and coordinate the establishment of an industrial processing exemption study committee and provide staffing assistance to the committee. It is the intent of the general assembly that the committee shall include representatives of the department of revenue, department of management, industrial producers including manufacturers, fabricators, printers and publishers, and an association that specifically represents business tax issues, and other stakeholders.

The industrial processing exemption under the sales and use tax is a significant exemption for business. The committee shall study and make legislative and administrative recommendations relating to Iowa's processing exemption to ensure maximum utilization by Iowa's industries.

The committee shall study and make recommendations regarding all of the following:

1. The current sales and use tax industrial processing exemption.
2. The corresponding administrative rules, including a review and recommendation of an administrative rules process relating to the industrial processing exemption prior to filing with the administrative rules review committee.
3. Other states' industrial processing exemptions.
4. Recommendations for change for issues including effectiveness and competitiveness.
5. Development of additional publications to improve compliance.

The committee shall annually report to the general assembly by January 1 of each year through January 1, 2013.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

3. *a.* The program manager shall submit an annual report by January 15 of each year to the general assembly's standing committees on government oversight advising the general assembly of the status of E911 implementation and operations, including both wire-line and wireless services, the distribution of surcharge receipts, and an accounting of the revenues and expenses of the E911 program.

b. The program manager shall submit a calendar quarter report of the revenues and expenses of the E911 program to the fiscal services division of the legislative services agency.

c. The general assembly's standing committees on government oversight shall review the priorities of distribution of funds under this chapter at least every two years.

421.1A Property assessment appeal board.

1. A statewide property assessment appeal board is created for the purpose of establishing a consistent, fair, and equitable property assessment appeal process. The statewide property assessment appeal board is established within the department of revenue for administrative and budgetary purposes. The board's principal office shall be in the office of the department of revenue in the capital of the state.

2. *a.* The property assessment appeal board shall consist of three members appointed to staggered six-year terms, beginning and ending as provided in section 69.19, by the governor and subject to confirmation by the senate. Subject to confirmation by the senate, the governor shall appoint from the members a chairperson of the board to a two-year term. Vacancies on the board shall be filled for the unexpired portion of the term in the same manner as regular appointments are made. The term of office for the initial board shall begin January 1, 2007.

b. Each member of the property assessment appeal board shall be qualified by virtue of at least two years' experience in the area of government, corporate, or private practice relating to property appraisal and property tax administration. One member of the board shall be a certified real estate appraiser or hold a professional appraisal designation, one member shall be an attorney practicing in the area of state and local taxation or property tax appraisals, and one member shall be a professional with experience in the field of accounting or finance and with experience in state and local taxation matters. No more than two members of the board may be from the same political party as that term is defined in section 43.2.

c. The property assessment appeal board shall organize by appointing a secretary who shall take the same oath of office as the members of the board. The board may employ additional personnel as it finds necessary. All personnel employed by the board shall be considered state employees and are subject to the merit system provisions of chapter 8A, subchapter IV.

3. At the election of a property owner or aggrieved taxpayer or an appellant described in section 441.42, the property assessment appeal board shall review any final decision, finding, ruling, determination, or order of a local board of review relating to protests of an assessment, valuation, or application of an equalization order.

4. The property assessment appeal board may do all of the following:

a. Affirm, reverse, or modify a final decision, finding, ruling, determination, or order of a local board of review.

b. Order the payment or refund of property taxes in a matter over which the board has jurisdiction.

c. Grant other relief or issue writs, orders, or directives that the board deems necessary or appropriate in the process of disposing of a matter over which the board has jurisdiction.

d. Subpoena documents and witnesses and administer oaths.

e. Adopt administrative rules pursuant to chapter 17A for the administration and implementation of its powers, including rules for practice and procedure for protests filed with the board, the manner in which hearings on appeals of assessments shall be conducted, filing fees to be imposed by the board, and for the determination of the correct assessment of property

which is the subject of an appeal.

f. Adopt administrative rules pursuant to chapter 17A necessary for the preservation of order and the regulation of proceedings before the board, including forms or notice and the service thereof, which rules shall conform as nearly as possible to those in use in the courts of this state.

5. The property assessment appeal board shall employ a competent attorney to serve as its general counsel, and assistants to the general counsel as it finds necessary for the full and efficient discharge of its duties. The general counsel is the attorney for, and legal advisor of, the board. The general counsel or an assistant to the general counsel shall provide the necessary legal advice to the board in all matters and shall represent the board in all actions instituted in a court challenging the validity of a rule or order of the board. The general counsel shall devote full time to the duties of the office. During employment as general counsel to the board, the counsel shall not be a member of a political committee, contribute to a political campaign, participate in a political campaign, or be a candidate for partisan political office. The general counsel and assistants to the general counsel shall be considered state employees and are subject to the merit system provisions of chapter 8A, subchapter IV.

6. The members of the property assessment appeal board shall receive compensation from the state commensurate with the salary of a district judge through December 31, 2013. The members of the board shall be considered state employees for purposes of salary and benefits. The members of the board and any employees of the board, when required to travel in the discharge of official duties, shall be paid their actual and necessary expenses incurred in the performance of duties.

7. *a.* Effective January 1, 2012, a property assessment appeal board review committee is established. Staffing assistance to the committee shall be provided by the department of revenue. The committee shall consist of six members of the general assembly, two appointed by the majority leader of the senate, one appointed by the minority leader of the senate, two appointed by the speaker of the house of representatives, and one appointed by the minority leader of the house of representatives; the director of revenue or the director's designee; a county assessor appointed by the Iowa state association of counties; and a city assessor appointed by the Iowa league of cities.

b. The property assessment appeal board review committee shall review the activities of the property assessment appeal board since its inception. The review committee may recommend the revision of any rules, regulations, directives, or forms relating to the activities of the property assessment appeal board.

c. The review committee shall report to the general assembly by January 15, 2013. The report shall include any recommended changes in laws relating to the property assessment appeal board, the reasons for the committee's recommendations, and any other information the committee deems advisable.

2005 Acts, ch 150, §121; 2006 Acts, ch 1185, §30; 2007 Acts, ch 215, §27

Confirmation, see §2.32

For future repeal of this section effective July 1, 2013, see 2005 Acts, ch 150, §134

Subsection 6 amended

321M.9 Financial responsibility.

1. *Fees to counties.* Notwithstanding any other provision in the Code to the contrary, the county treasurer of a county authorized to issue driver's licenses under this chapter shall retain for deposit in the county general fund seven dollars of fees received for each issuance or renewal of driver's licenses and nonoperator's identification cards, but shall not retain any moneys for the issuance of any persons with disabilities identification devices. The five dollar processing fee charged by a county treasurer for collection of a civil penalty under section 321.218A or 321A.32A shall be retained for deposit in the county general fund. The county treasurer shall remit the balance of fees and all civil penalties to the department.

2. *Digitized photolicensing equipment.*

a. The department shall pay for all digitized photolicensing equipment, including that used by the department and authorized for use by issuing counties under this subsection. Moneys from the road use tax fund shall be used, subject to appropriation by the general assembly, for payment of costs associated with the purchase or lease of digitized photolicensing equipment.

b. An issuing county shall be entitled to one set of digitized photolicensing equipment, unless the county was served at multiple sites by the department, in which case the county shall be entitled to two sets of digitized photolicensing equipment.

3. *Other equipment.* The department shall pay for all other equipment needed by a county to participate in county issuance, comparable to the equipment provided for issuance activities by a department itinerant team, with the exception of the following:

a. Office furniture.

b. Computer hardware needed to access department computer databases, facsimile machines used to transmit documents between the department and the county, and similar office equipment of a general nature that is not dedicated solely or primarily to the issuance process.

★4. *Periodic fee adjustment.* The auditor of state, in consultation with the state department of transportation and the Iowa county treasurers association, shall conduct a study of the fiscal impact of the county driver's license issuance program and report its findings and recommendations to the general assembly prior to January 1, 2006, and repeat the study and reporting every four years thereafter. The auditor of state's costs for conducting the study shall be paid by the department. The study shall include a comparison of the cumulative costs to issue driver's licenses and nonoperator's identification cards under both the state department of transportation program and the county issuance program. The study shall be based on those issuance activities that are common to both programs. Prior to the study period, the auditor of state shall meet with the department and the county treasurers association to determine the study methodology to ensure appropriate accounting for time and cost during the study. The findings and recommendations submitted by the auditor of state shall be considered by the general assembly in adjusting the amount of the fees retained by the county treasurers for issuance of driver's licenses and nonoperator's identification cards.